

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Williamsburg County  
The Honorable W. Jeffrey Young, Circuit Court Judge  
Appellate Case No. 2013-000700

---

THE STATE,

Respondent,

vs.

MARC PALMER,

Appellant.

**RECEIVED**

JUN 11 2014

**SC Court of Appeals**

---

**MOTION FOR EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND  
DESIGNATION OF MATTER**

---

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Return is due today, June 11, 2014, upon this Court's grant of Respondent's first request for an extension filed on May 16, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since May 12, 2014. Specifically, counsel filed Respondent's Status Report in Samuel T. Johnson, #332718 vs. Robert M. Stevenson, III, C/A No. 5:13-1714-TMC-KDW, a federal habeas action pending before the United States District

Court for the District of South Carolina. Counsel also filed a Response to the Motion to Voluntarily Dismiss in Billy Ray Mills, #183702 vs. Leroy Cartledge, Warden, C/A No. 1:14-343-TMC-SVH; and a Response in Opposition to Motions for Relief from Judgment in Kenneth Whitmore, #227057 vs. R. H. Mauney, Warden, C/A No. 6:13-3217-JMC-KFM, two other federal habeas actions pending before the United States District Court for the District of South Carolina.

Counsel also completed and filed the Respondent's Response in Opposition to Petitioner's Motion to Bifurcate Briefing For Petitioner's Response in Opposition to Motion for Summary Judgment in Abdiyyah Ben Alkebulanyahh, # SK-6012, fka Tyree Alphonso Roberts vs. William R. Byars, Jr., Commissioner, South Carolina Department of Corrections; and Wayne C. McCabe, Warden of Lieber Correctional Institution, C/A No. 6:13-918-TLW-KFM, a federal habeas action in a capital case now pending before the United States District Court for the District of South Carolina.

Counsel filed the Motion for Summary Judgment, Return and Memorandum of Law in support of Motion for Summary Judgment in the matter of Maurice Graves, #208580 vs. Michael McCall, C/A 1:13-2866-JFA-SVH, a federal habeas action pending in the United States District Court for . Counsel also filed the responses to Petitioner's Motions to Stay [Doc. #24] and for Discovery [Doc. #25] in this matter. Counsel also filed the Motion for Summary Judgment, Return and Memorandum of Law in support of Motion for Summary Judgment in Darrell L. Goss, #305517 vs. Joseph McFadden, C/A No. 2:14-1350-RMG-WWD, another federal habeas action pending before the United States District Court for the District of South Carolina.

Counsel has also reviewed the files and completed a significant amount of work on the Motions for Summary Judgment, Returns and Memoranda of Law in support of Motions for Summary Judgment in Ronald Wendell Porterfield, #231233 vs. Warden, Lieber Correctional Institution, C/A No. 0:14-927-TMC-PJG; and Talvin Johnson, #323094 vs. Warden, Lee Correctional Institution, C/A No. 2:14-768-DCN-BHH; all federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel is filing both Returns within the next week. Counsel has also reviewed files and done some work on the Motion for Summary Judgment, Return and Memorandum of Law in Support of Motion for Summary Judgment in Clifton Donell Lyles, #294075 vs. Warden Cecilia Reynolds, C/A No. 4: 14-1063-TMC-TER, another federal habeas action pending in the United States District Court for the District of South Carolina.

Counsel also prepared and filed the Initial Brief of Respondent and Designation of Matter in State vs. Tyrone J. King, a direct appeal in a Marlboro County murder case now pending in the South Carolina Court of Appeals.

Counsel has also spent a significant amount of time compiling the documents for the Appendix to the Petition for Writ of Certiorari in Louis Winkler, Jr., #6027 vs. State of South Carolina, an appeal in a Horry County capital post-conviction relief action currently pending before the South Carolina Supreme Court. Counsel filed the Notice of Appeal in that case in late April.

Counsel has reviewed most of the transcript and completed some research on the issues raised on appeal in this matter. However, due to counsel's involvement in this and other matters in state and federal court, counsel was unable to timely complete

his research and properly prepare the Initial Brief of Respondent and Designation of Matter in this case. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully Submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.  
Assistant Attorney General  
Bar No. 74713

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By: 

ALPHONSO SIMON, JR.

ATTORNEYS FOR RESPONDENT

June 11, 2014.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Williamsburg County  
The Honorable W. Jeffrey Young, Circuit Court Judge  
Appellate Case No. 2013-000700

---

THE STATE,

Respondent,

vs.

MARC PALMER,

Appellant.

---

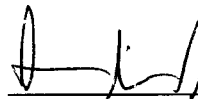
**PROOF OF SERVICE**

---

I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorneys of record, Ryan L. Beasley, Esq., 650 E. Washington Street, Greenville, South Carolina 29601; and to Robert M. Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

I further certify that all parties required by Rule to be served have been served.

This 11<sup>th</sup> day of June, 2014.



---

ALPHONSO SIMON, JR.  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305



ALAN WILSON  
ATTORNEY GENERAL

June 11, 2014

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

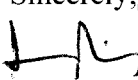
Re: *State v. Marc Palmer*  
Appeal from Williamburg County  
Appellate Case No. 2013-000700

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, June 11, 2014. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Extension of Time to File Initial Brief of Respondent and Designation of Matter. I have contacted the office of Ryan L. Beasley, Esq., counsel for Appellant to obtain his consent.

Please let me know if you have any questions.

Sincerely,  


Alphonso Simon, Jr.,  
Assistant Attorney General

AS/dmd  
Enclosures

cc: Ryan L. Beasley, Esq. (w/two copies of encls.)  
Robert M. Dudek, Esq. (w/two copies of encls.)

**RECEIVED**  
JUN 11 2014  
**SC Court of Appeals**

**RECEIVED**  
JUN 11 2014  
**SC Court of Appeals**