

STATE OF SOUTH CAROLINA.
In the Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
(Capital PCR: 2006-CP-23-7719)
The Honorable D. Garrison Hill, Circuit Court Judge

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AUG - 5 2014

S.C. Supreme Court

Kamell D. Evans,

Respondent/Petitioner,

v.

State of South Carolina,

Petitioner/Respondent.

Appellate Case No. 2011-188687

**PETITIONER/RESPONDENT'S
MOTION FOR EXTENSION OF TIME TO FILE
BRIEF OF RESPONDENT**

Petitioner/Respondent, the State, moves this Court for an additional fifteen (15) days extension of time in which to file the Brief of Respondent on behalf of Petitioner/Respondent. This is the second request for an extension of time to file the State's brief of respondent in the cross-appeal. Undersigned counsel for the State has completed substantial work in preparation for the brief; however, counsel would respectfully request a brief fifteen (15) day extension to complete the brief. In support of this request, undersigned counsel would respectfully show the Court:

1. In the last thirty (30) days, undersigned counsel has been scheduled for a number of other state matters and federal matters in addition to work on the petition. These include, but are not limited to, the following: prepared for and attended a scheduling conference and status conference on July 7th, prepared for and presented argument at a motion hearing on July 15th and thereafter drafted and filed a proposed order, prepared and filed a reply in connection with a

separate motion, and participated in a telephone conference in a capital post-conviction relief action in state circuit court (*William Dickerson*); prepared and filed a petition for writ of certiorari in another capital post-conviction relief action on appeal in this Court (*Kenneth Simmons*); received and reviewed a substituted appellate opinion in a non-capital murder direct appeal in the South Carolina Court of Appeals (*Clarence Jenkins*); prepared and filed a response to motion to amend/motion to substitute counsel in another capital case in federal habeas (*Brad Sigmon*); participated in a telephone deposition in another capital post-conviction relief action still pending in the state circuit court after continuance of the evidentiary hearing (*Andres Torres*); prepared and filed a return to the petition for writ of certiorari in another capital post-conviction relief action on appeal in this Court (*Stephen Corey Bryant*); reviewed two Reports and Recommendations in two federal habeas actions (*Demetric Hardaway; Kendall Green*); completed and filed a reply brief in this same cross-appeal (*Kamell Evans*); and, reviewed and prepared for filing this week a final brief of respondent in a non-capital murder direct appeal in the South Carolina Court of Appeals (*Carvin Holman*). Additionally, counsel has been working on a return to petition in one of the capital cases listed above currently also on cross-appeal (*Kenneth Simmons*); and preparing for a motions hearing scheduled for August 12th in one of the above referenced capital cases (*William Dickerson*). Counsel also notes she has encountered technical difficulties resulting from a document management change and conversion process that has slowed the process of preparing the brief from the original return.

2. Due to this heavy case load, and technical difficulties, undersigned counsel for Petitioner has not been able to complete the brief. However, as noted, counsel has now completed substantial work in preparation for completion of the brief and requests only a brief extension of fifteen (15) days in which to finish, and have the document bound to serve and file. Counsel will continue to work diligently to complete the brief.

3. It is undersigned counsel understanding that opposing counsel, Mr. Ehlies, has no objection to this request for a fifteen (15) day extension of time in which to file the brief.

THEREFORE, undersigned counsel for Petitioner/Respondent, the State, for all the foregoing reasons, respectfully requests an additional extension of fifteen (15) days, up to and including August 21, 2014, to complete, serve and file the brief.

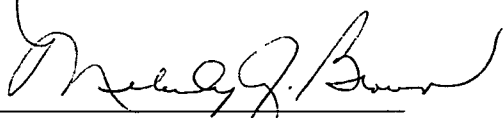
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

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BY: 
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August 5, 2014.
Columbia, South Carolina.

ATTORNEYS FOR PETITIONER/RESPONDENT

I have reviewed and approve this request:


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

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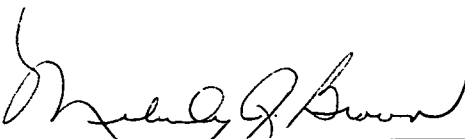
PROOF OF SERVICE

I, Melody J. Brown, hereby certify that the *Petitioner/Respondent's Motion for Extension of Time to File Brief of Respondent* has been served upon Respondent/Petitioner by depositing one copy in the United States mail, postage prepaid, to each of his attorneys of record, addressed as follows:

William H. Ehlies, II, Esquire
Building A, Suite 201
310 Mills Avenue
Greenville, SC 29605

Christopher Warren Seeds, Esquire
Post Office Box 3931
Ithaca, NY 14852

This 5th day of August, 2014.



MELODY J. BROWN
Senior Assistant Attorney General
S.C. Bar No. 14244