

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
Robert E. Hood, Circuit Court Judge

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SEP 05 2014

SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Marcus Bailey,

Appellant,

Appellate Case No.: 2013-001680.

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

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent has been scheduled for a number of state and federal matters in the last thirty (30) days, that include, but are not limited to, the following: prepared and filed a response to motion to amend in a federal habeas action in the U.S. District Court (*Bynum Rayfield*); prepared and filed a return to a cross-petition in another capital case in post-conviction relief on appeal in the Supreme Court of South Carolina (*Kenneth Simmons*); prepared with co-counsel and filed a response in opposition to applicant's motion to quash and for a protective order and motion for leave of court to take applicant's deposition in another capital post-conviction relief case currently pending in state circuit court (*Quincy Allen*); prepared and filed a return to petition for writ of certiorari in a non-capital murder direct appeal in the Supreme

Court of South Carolina (*David Johnson*); prepared and filed a brief of respondent in another capital post-conviction relief action on cross appeal in the Supreme Court of South Carolina (*Kamell Evans*); prepared a memorandum of law regarding survival of privilege in a collateral action, prepared for and argued a motions hearing on August 12, 2014, and, prepared and filed two (2) proposed orders from the motions hearing in another capital post-conviction relief action pending in state circuit court (*William O. Dickerson*); prepared and filed a return to petition for writ of certiorari and supplemental appendix in the Supreme Court of South Carolina in a non-capital murder direct appeal (*Casey Lewis*); prepared and filed a reply brief to a cross petition in one of the capital post-conviction relief appeals listed above (*Kenneth Simmons*); and, prepared and filed a motion to conform response dates in another capital case in federal habeas (*Brad Sigmon*). Counsel has also completed and filed returns and memoranda of law in four (4) other federal habeas actions (*Paul Rice, Eduardo Martinez, Frederick Harris and Mario Hunter*), and is currently preparing another return and memorandum of law to be filed today in a federal habeas action presently on third extension (*Darnell Harper*). Further still, counsel is preparing for two (2) oral arguments scheduled for next in week in this Court (*Alexander Hunsberger; Julio Hunsberger*); and a return and memorandum of law in another federal habeas case presently on third extension (*Kevin Grant*).

2. Due to her heavy case load, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal.

3. This is the second request for an extension of time in which to file a response.

4. Counsel for the appellant has been contacted and advises there is no object to this request.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

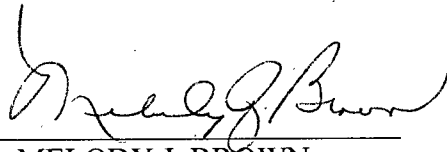
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

MELODY J. BROWN
Senior Assistant Attorney General

BY: 

MELODY J. BROWN
S.C. Bar No. 14244

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September 5, 2014.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
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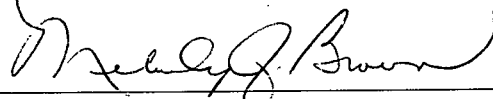
Appellate Case No.: 2013-001680.

PROOF OF SERVICE

I, Melody J. Brown, certify that I have served Respondent's Motion for a Second Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Stanley L. Myers, Esq.
S. Jahue Moore, Esq.
M. Brooks Biediger, Esq.
Moore Taylor Law Firm, P.A.
1700 Sunset Boulevard
P.O. Box 5709
West Columbia, S.C. 29171

This 5th day of September, 2014.



MELODY J. BROWN
S.C. Bar No. 14244

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ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

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

Re: The State v. Marcus Bailey
Appeal from Richland County
Appellate Case No. 2013-001680

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondent's Motion for Second Extension of Time to file Initial Brief of Respondent and Designation of Matter, dated today, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter. Please call this office if you need any additional information.

Sincerely,

Melody J. Brown
Senior Assistant Attorney General

MJB/mv

cc: Stanley Lamont Myers, Sr., Esquire
S. Jahue Moore, Esquire
M. Brooks Biediger, Esquire

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