



ALAN WILSON
ATTORNEY GENERAL

May 9, 2012

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MAY - 9 2012

S.C. Supreme Court

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: The State v. Steven Barnes
Appeal from Edgefield County (Capital Case)

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Respondent's *Motion for Second Extension of Time to File Initial Brief of Respondent and Designation of Matter*, dated May 9, 2012, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

Melody J. Brown
Senior Assistant Attorney General

MJB/arb

Enclosures

cc: Robert M. Dudek, Chief Appellate Defender

STATE OF SOUTH CAROLINA
In the Supreme Court

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MAY - 9 2012

Appeal from Edgefield County
The Honorable R. Knox McMahon, Circuit Court Judge

S.C. Supreme Court

The State of South Carolina,

Respondent,

v.

Steven Barnes,

Appellant.

**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: completed and file a return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Brett Cato*); completed and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Charles Upson*); completed and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Christopher Francis*); completed and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas action

(*Jalal Beyah*); prepared and filed a final brief in another non-capital murder direct appeal (*Mario Shivers*); prepared and filed a final brief in another non-capital murder direct appeal (*Danny Ryant*); prepared and filed a final brief in another non-capital murder direct appeal (*Walter Harris*); prepared and filed in this Court a return to petition for writ of certiorari in a non-capital murder direct appeal (*Terrel McCoy*); prepared and filed a return to second amended application in a capital post-conviction relief action pending in circuit court (*Steven Bixby*); traveled to Sumter to review discovery disclosures in another capital post-conviction relief action pending in circuit court (*Stephen Corey Bryant*); traveled to Spartanburg to review all original exhibits in a non-capital murder direct appeal pending in the South Carolina Court of Appeals (*Rashaun Sobers*); and, completed and filed a return to motion for stay in this Court in another capital case (*William Dickerson*). Counsel is also currently completing a return and memorandum of law in support of motion for summary judgment in another federal habeas action for filing today (*Lewis Wayne Fielder*). Lastly, counsel was called for jury duty in her home county for the week of April 9th. Though not selected, counsel attended for the qualification and selection process.

2. Due to her heavy case load, undersigned counsel for Respondent has not been able to complete the initial brief in this appeal. However, counsel has gathered what appears to be the necessary and available transcripts and other materials, and has begun initial review of same.

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.

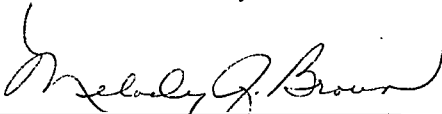
Respectfully submitted,

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

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

May 9, 2012.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Edgefield County
The Honorable R. Knox McMahon, Circuit Court Judge

The State of South Carolina,

Respondent,

v.

Steven Barnes,

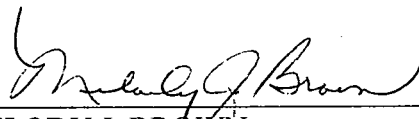
Appellant.

PROOF OF SERVICE

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

Robert M. Dudek, Chief Appellate Defender
South Carolina Office of Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

This 9th day of May, 2012.



MELODY J. BROWN
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT