

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Richland County  
The Honorable Deadra L. Jefferson, Circuit Court Judge

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General Sessions Case No. 2012-GS-40-04975; 05302  
Appellate Case No. 2013-002478

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**RECEIVED**  
JUL 13 2015  
SC Court of Appeals

THE STATE,

Respondent,

vs.

JAMES KEVIN BETHEL,

Appellant.

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**MOTION FOR THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT**

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

Respondent's Brief is due today, July 13, 2015, upon this Court's grant of Respondent's second request for an extension filed on June 23, 2015.

Counsel makes this request due to his involvement in other matters in both state and federal court within the past thirty days. Specifically, counsel completed and filed the Motions for Summary Judgment, Returns and Memoranda of Law in Support of Motions for Summary Judgment in: Donald Scott Jones, #336980 vs. Joseph

McFadden, C/A No. 4:15-1401-BHH-TER; Russell Lee Sims, #319755 vs. Warden  
McFadden, CA No. 0:15-1510-BHH-PJG; Eric Hemingway, #290037 vs. Warden Lieber  
Correctional Institution, C/A No. 4:15-367-MBS-TER; and Melcelus Toland, #275858  
a/k/a Melcelous Toland vs. Joseph McFadden, Warden, C/A No. 8:15-1311-PMD-JDA,  
all federal habeas actions pending in 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 James Wilkinson, #322936 vs. Warden of Tyger  
River Correctional Institution, C/A No. 6:15-1877-MGL-KFM; Ikeef Brailsford, #264172,  
v. Warden Willie Eagleton, Evans CI, C/A No. 6:15-1800-GRA-KFM; and in Jeffrey  
Webb, #214186 vs. Leroy Cartledge, C/A No. 9:15-1720-JMC-BM, all federal habeas  
actions pending in the United States District Court for the District of South Carolina.

Counsel filed Respondent's Status Report in the matter of Terrence Dimingo  
Terry, #307935 vs. Mr. Leroy Cartledge, Warden of McCormick Correctional Institution,  
C/A No. 6:10-02006-BHH-KFM; a Reply to Response in Opposition to Motion for  
Summary Judgment in the matter of Stanley Wise, #233383 vs. Warden John R. Pate,  
C/A No. 4:14-4625-JMC-TER; a Response in Opposition to Motion for Appointment of  
Counsel and Motion for Discovery in the matter of Carmichael Trevon Flowers, #335945  
vs. Lavern Cohen, C/A No. 8:15-1309-TMC-JDA; a Reply to Response in Opposition to  
Motion for Summary Judgment in the matter of Clifton Donell Lyles, #294075 vs.  
Warden, Cecilia Reynolds, C/A No. 4:14-1063-TMC-TER, and a Reply to Response in  
Opposition to Motion for Summary Judgment in the matter of Timothy T. Kinard,

#304285 vs. Joseph Battle, Administrator, Abbeville County Detention Center, C/A No. 5:14-4391-BHH-KDW, all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel has also spent a significant amount of time investigating and preparing discovery responses in Johnny Bennett vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections; and Joseph McFadden, Warden, Lieber Correctional Institution, C/A No. 2:13-3191-RMG-MGB, a federal habeas action in a capital case now pending in the United States District Court for the District of South Carolina. The responses were ordered by the Honorable Mary Gordon Baker, United States Magistrate Judge on June 8, 2015, and the responses were filed on June 29, 2015 and July 9, 2015.

Counsel filed a Petition for Rehearing in State vs. Calvin Jermaine Pompey, a State's appeal to a grant of immunity under the Protection of Persons and Property Act pending before the South Carolina Court of Appeals.

Counsel also prepared the Final Brief of Respondent in the matter of State vs. Gerald Bernard Haltiwanger, Jr., a direct appeal in a Richland County murder case.

Counsel has also done a substantial amount of work in preparing the Initial Brief of Respondent in the matter of State vs. David Stalk, a direct appeal in a Lancaster County murder case pending before this Court.

Due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial

Brief of Respondent in this matter. 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.

Respectfully Submitted,

ALAN WILSON  
Attorney General

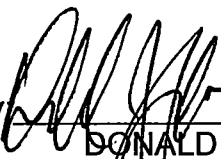
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(803) 734-6305

By:   
ALPHONSO SIMON, JR.

By:   
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

I support the finding of good cause.

July 13, 2015.

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
The Honorable Deadra L. Jefferson, Circuit Court Judge  
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THE STATE,

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vs.

JAMES KEVIN BETHEL,

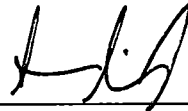
Appellant.

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 third extension to file Initial Brief of Respondent via U.S. mail to his attorneys of record, David Alexander, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, South Carolina 29201.

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

This 13<sup>th</sup> day of July, 2015.



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



ALAN WILSON  
ATTORNEY GENERAL

RECEIVED

JUL 13 2015

SC Court of Appeals

July 13, 2015

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

Re: The State v. James K. Bethel  
Appeal from Richland County  
Appellate Case No. 2013-002478

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, July 13, 2015. 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 Third Extension of Time to File Initial Brief of Respondent. By copy of this letter I am advising counsel for Appellant of this request.

Sincerely,

Alphonso Simon, Jr.,  
Assistant Attorney General

AS/dmd

Enclosures

cc: David Alexander, Esq. (w/two copies of encls.)