

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

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

RECEIVED

AUG 14 2015

SC Court of Appeals

THE STATE,

Respondent,

VS.

JAMES KEVIN BETHEL,

Appellant.

MOTION FOR FOURTH EXTENSION OF TIME

Comes now Respondent, above named, by and through the Office of the South Carolina Attorney General, and hereby respectfully requests a five day extension within which to file the Initial Brief of Respondent.

The Initial Brief of Respondent is due to be filed today, August 12, 2015, pursuant to this Court's grant of Respondent's request for an extension on July 22, 2015. Respondent respectfully requests the deadline for filing the Initial Brief of Respondent be extended to August 17, 2015.

Counsel makes this request because of his involvement in other matters in both

state and federal court within the last 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 Ikeef Brailsford, #264172 v. Warden Willie Eagleton, C/A No. 6:15-1800-GRA-KFM; and Jeffrey Webb, #214186 v. Leroy Cartledge, C/A No. 9:15-1720-JMC-BM, both federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel also filed replies to responses in opposition to motions for summary judgment in two other federal habeas actions.

Counsel has also done a substantial amount of work in reviewing the files and preparing the Returns and Memoranda of Law in Support of Motions for Summary Judgment in James Wilkinson, #322936 v. Warden of Tyger River Correctional Institution, C/A No. 6:15-1877-MGL-KFM; Isaiah F. Walker v. Warden Reynolds, C/A No. 2:15-02174-SB-MGB; Princeton Thrower, #300701 v. Robert Stevenson, C/A No. 0:15-1955-JMC-PJG; and Chas Lamous Smith v. Stirling et al., C/A No. 2:15-2533-MGB-HMH, all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel drafted and filed the Initial Brief of Respondent in State v. David Stalk, a direct appeal in a Lancaster County murder case now pending before this Court. Counsel also filed the Final Brief of Respondent in State v. Tavish Yeargin, a direct appeal in a Pickens County murder case also pending before this Court. Counsel has also spent a significant amount of time working on an Initial Reply Brief in State v. Whitlee Jones, a State's appeal to the grant of immunity under the Protection of Persons and Property Act also pending before this Court. Counsel has also spent a substantial amount of time working on the Brief of Respondent in State v. Tawanda Allen, a direct appeal in a

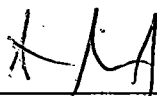
Williamsburg County murder case in which certiorari was granted by the South Carolina Supreme Court.

Counsel has also spent a significant amount of time drafting a response to a Motion to Alter or Amend Judgment filed in Alkebulanyahh v. Byars, et al., C/A No. 6:13-918-TLW, a federal habeas action in a Beaufort County capital case now pending before the United States District Court for the District of South Carolina.

Counsel has nearly completed the Initial Brief of Respondent in this case. However, due to his involvement in the matters and state and federal court, and due to a personal matter that arose while he was working on completing the brief, counsel is unable to timely file the Initial Brief of Respondent and, thus respectfully requests an extension in this matter. No further extensions will be requested, and counsel for Respondent will complete the brief for filing within the time requested.

WHEREFORE, premises considered, counsel hereby requests a five day extension of time to serve and file the Initial Brief of Respondent.

Respectfully Submitted,



ALPHONSO SIMON, JR. (Bar No. 74713)¹

August 12, 2015

Office of Attorney General
P. O. Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEYS FOR RESPONDENT

¹Counsel's need for this extension arose after business hours. An amended Motion with the appropriate signatures will be submitted on August 13, 2015.

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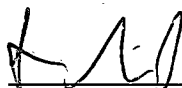
Appellant.

CERTIFICATE OF SERVICE

I, Alphonso Simon, Jr., counsel for the Respondent, certify that I have served the within Motion for Extension by depositing two (2) copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, David Alexander, Esq., SCCID/Division of Appellate Defense, 1330 Lady St., Ste. #401, Columbia, South Carolina 29201.

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

This 12th day of August, 2015.



ALPHONSO SIMON, JR.

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