

STATE OF SOUTH CAROLINA
In the Supreme Court

CAPITAL CASE
Appeal from Spartanburg County
Roger L. Couch, Circuit Court Judge

The State of South Carolina,

Respondent,

v.

Ricky Lee Blackwell,

Appellant,

Appellate Case No.: 2014-000610.

RECEIVED

SEP 18 2015

S.C. Supreme Court

**MOTION FOR FOURTH 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 fourth 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 (5) returns and memoranda of law in support of motion for summary judgment in five (5) federal habeas actions (*Ronald Cameron; Antonio Bordeaux; Gary Waiters; Jimmy Williams; Darell Merritt*); prepared and filed a response in opposition to motion for an evidentiary hearing in another habeas action (*Lavar Sanders*); prepared and filed a response in opposition to a motion to show cause for evidentiary hearing in another habeas action (*Warren Russell*); prepared and filed a reply to response to motion for summary judgment in another pending capital successive post-conviction relief action (*Jesse*

Waylon Sapp); and, prepared for and presented oral argument in the South Carolina Court of Appeals in two (2) non-capital murder direct appeal matters (*Marcus Bailey*; *Don-Survi Chisolm*). In addition, counsel has reviewed a petition for writ of certiorari filed in the Supreme Court of the United States in another capital case in post-conviction relief (*Stephen Corey Bryant*); and, has been beginning initial preparations for an evidentiary hearing in another capital case which is scheduled for October 19, 2015 in Charleston (*William Dickerson*). That same case has a motions hearing and status conference scheduled for today in Richland County that counsel will also be required to attend (*William Dickerson*).

2. Due to her heavy case load, particularly the above listed capital cases which require substantial time in preparation of responsive documents, undersigned counsel has not been able to complete the initial brief in this appeal. However, counsel has made substantial progress in completing the brief process and will continue to work diligently to complete the brief for filing. In particular counsel notes that review of available documents and transcripts has been completed, legal research has been completed for four of the seven issues, and counsel has been actively drafting the response in four of the seven issues. Counsel notes the complexity of the issues raised and the bulk of materials to review has greatly increased the time necessary to adequately review the materials and relevant cases in order to make a proper response. This is especially so where counsel has a very heavy caseload, as noted above,

3. This is the fourth request for an extension of time in which to file a response. This request is not made for simple delay but from necessity for the above listed reasons.

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.

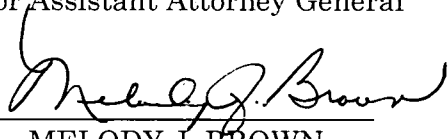
Respectfully submitted,

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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(803) 734-6305

September 18, 2015.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I have reviewed and approved this


ALAN WILSON
Attorney General

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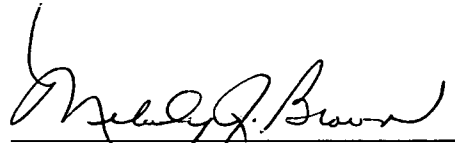
Appellate Case No.: 2014-000610.

PROOF OF SERVICE

I, Melody J. Brown, certify that I have served Respondent's Motion for a Fourth 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:

Robert M. Dudek, Chief Appellate Defender
David Alexander, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 18th day of September, 2015.



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ATTORNEY FOR RESPONDENT