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DEC 21 2015

S.C. Supreme Court

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Greenville County
G. Edward Welmaker, PCR Circuit Court Judge

CHARLES CHRISTOPHER WILLIAMS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

Appellate Case No. 2013-001945



**RESPONDENT'S SECOND MOTION TO EXTEND TIME TO FILE
BRIEF OF RESPONDENT**


The Respondent, above-named, hereby make a second motion to the Court to extend the time of filing the Brief of Respondent until January 20, 2016. The Brief of Respondent on Certiorari in the above action is due to be filed December 21, 2015. Counsel has contacted the Appellant's counsel, Derek Enderlin, who had advised counsel this date that he has no objection to the request. Respondent's below-signed counsel submits that good cause has been shown:

I.

This motion is made because the Respondent has not been able to respond within the allotted time for the following reasons:

This motion is made because the Respondent has not been able to respond within the allotted time for the following reasons:

Counsel for the undersigned has had a number of other commitments in State and Federal court that have precluded timely completion of the Brief of Respondent. Counsel for the undersigned has had a number of other commitments in State and Federal court that have precluded timely completion of the Brief. Recently, below-signed counsel completed:

- 
- a. State v. Earnest Daise – murder direct appeal in case tried as death penalty case – seven issues 3100 page trial transcript – 88 pages brief filed November 6, 2015.
 - b. November 13, 2015 – Ron Finklea v. State – death penalty PCR status and hearing – Judge Keesley – Lexington.
 - c. November 16, 2015 – Jonell Parker v. Warden – Federal Habeas Return (2)
 - d. November 18, 2015 – Frank Tolan v. Warden - FHC Return (3) – no further extensions allowed*.
 - e. Nov. 23, 2015 – Jermel Robinson v. Warden - FHC Return (1) – working on Return due December 23, 2015.
 - f. Nov. 23, 2015 – State v. Quanell McIlwain - Initial Brief of Respondent – (2) – working on Brief.
 - g. **December 2, 2015 – State v. Alexander Hunsberger – Oral argument – South Carolina Supreme Court. County (unexpected re-assignment due to Melody Brown hospitalization).**
 - h. **December 2, 2015 – State v. Julio Hunsberger – Oral argument – South Carolina Supreme Court. County (unexpected re-assignment due to Melody Brown hospitalization).**
 - i. December 7, 2015 – Otis Compton v. Warden - Federal habeas corpus Return – filed.
 - j. December 7, 2015 – Kevin Walton v. Warden - FHC Return – filed.
 - k. December 7, 2015 – State v. Marvin Brown - Reply Brief – filed.
 - l. **December 7-8, 2015 – Dickerson v. State - death penalty PCR hearing – Judge Cooper – Richland County (unexpected re-assignment due to Melody Brown hospitalization).**
 - m. December 9, 2015 - Michael McKnight v Warden - FHC Return -15-5710 – filed
 - n. December 14, 2015 – Matthew Jameson v. State - FHC Return (2) – filed
December 14, 2015 – Lance Lyles v. Warden - federal habeas return.
 - o. December 16, 2015 – Marshall Miller v. Warden – FHC (3) – filed .
 - p. **December 18, 2015 – James Harold Bowers v. Warden - federal habeas corpus – motion hearing Judge Gergel – Charleston, Federal Courthouse**
 - q. December 21, 2015 – Charles Christopher Williams v. State – Brief of Respondent – death penalty PCR appeal on certiorari – South Carolina Supreme Court (1)

2. Petitioner’s below-signed counsel’s current calendar presently has the following

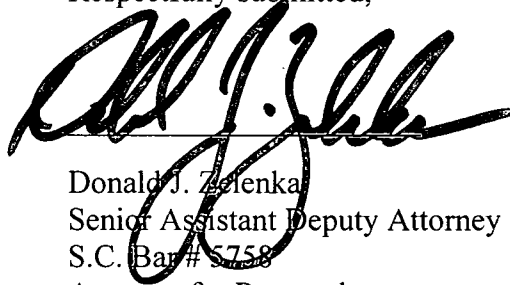
projected matters due in the relevant time period.

- 4
#3.
- a. December 23, 2015 – Jermel Robinson v. Warden - FHC Return (2) (projected).
 - b. December 29, 2015 – State v. Quanell McIlwain - Initial Brief of Respondent – (3)..
 - c. December 29, 2015 – State v. Joshua Griffith – Initial Brief of Respondent – no further extensions-
 - d. December 29, 2015 – Alfonso Ware v. State – Return to Certiorari – (DNA Appeal).
 - e. **January 4, 2016 - No. 15A456 – South Carolina v. Kamell D. Evans (on certiorari to the Court of Common Pleas for Greenville County) (SCSCt Docket 2011-188687) – petition for writ of certiorari.**
 - f. **January 4, 2016 - No. 15A455 – South Carolina v. Jonathan Binney (on certiorari to the Court of Common Pleas for Cherokee County Court of Common Pleas) (SCSCt 2011-188687) – petition for writ of certiorari;**
 - g. **January 4, 2016 - No. 15A454 – South Carolina v. John Kennedy Hughey (on certiorari from the Court of Common Pleas for Abbeville County) (SCSCt 2015-MO-029) (petitions initially due November 4, 2015 – petition for writ of certiorari.**
 - h. **January 4, 2016 – State v Ryan Deleston, Oral Argument – SC Court of Appeals.**
 - i. January 4, 2016 – State v. Tony Jordan - Initial Brief of Respondent (extended)(2).
 - j. **January 6, 2016 – State v David Penn – Oral Argument – SC Court of Appeals**
 - k. **January 13, 2015 – John Wood v. State 2013-CP-23-5190 – DP PCR – Motion Hearing – Judge Mark Hayes - Lexington.**
 - l. January 14, 2016 – Lance Lyles v. Warden - federal habeas return.
 - m. State v. Kevin Choice – Initial Brief of Respondent – January 17, 2016.
 - n. **January 20, 2016 – Charles Christopher Williams v. State – Brief of Respondent – death penalty PCR appeal on certiorari – South Carolina Supreme Court (1) (projected)**
 - o. **January ?, 2016 - William Bell v. State – DP PCR Mental retardation hearing – continued Dec. 29 2015 hearing to be set in January 2016 by Judge McIntosh.**

II.

Wherefore Respondents respectfully request an extension of a period of thirty (30) days up to and including January 20, 2016 to complete the Brief of Respondent upon a showing of good cause for the request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. J. Zelenka", written over a horizontal line.

Donald J. Zelenka
Senior Assistant Deputy Attorney General
S.C. Bar # 5758
Attorney for Respondent

December 21, 2015

CERTIFICATE OF SERVICE

I, **Donald J. Zelenka**, hereby certify that a true copy of the Motion to extend time to file the Brief of Respondent and Designation of Matter in the above referenced case has been served upon counsel for Appellant by depositing one copy of same in the U.S. mail first class postage prepaid:

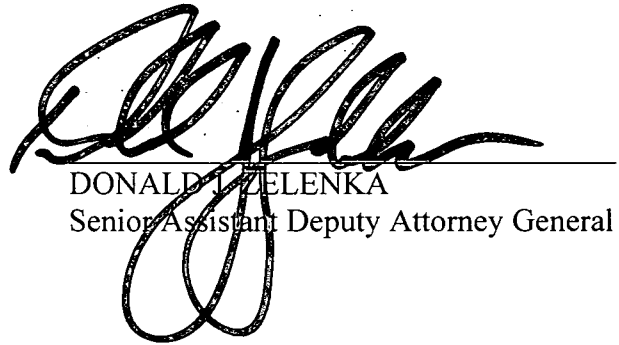
Derek Enderlin, Esquire
Ross and Enderlin, PA.
330 Coffee Street
Greenville, South Carolina 29601

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This 21st of December , 2015.



DONALD J. ZELENA
Senior Assistant Deputy Attorney General



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ALAN WILSON
ATTORNEY GENERAL

December 21, 2015

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P. O. Box 11330
Columbia, SC 29211

Re: Charles Christopher Williams v. State
Appellate Case No. 2013-001945

Dear Mr. Shearouse:

Enclosed please find a Motion to Extend Time to File Brief of Respondent in the above-referenced case for filing. By copy of this letter, I am serving opposing counsel with same.

Sincerely,

Lonetta B. Brawley
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General

/lbb
Enclosure

cc: Derek J. Enderlin, Esquire