

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
Robert E. Hood, Circuit Court Judge

RECEIVED

JAN 28 2016

SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Hank Eric Hawes,

Appellant,

Appellate Case No.: 2014-002288.

**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 completed the following work within the past thirty (30) days: prepared and filed a return and memoranda of law in support of motion for summary judgment in two federal habeas actions (*Tavarus Rogers; Brian Powell*); prepared and filed an objection to report and recommendation in another federal habeas action (*Kenyal Rodgers*); prepared and filed a response to motion to amend in another federal habeas action (*Johnny Mahaffey*); prepared and filed a response in opposition to a motion for extension of stay, and an additional response to another motion for stay, in a capital federal habeas action (*Stephen Corey Bryant*); completed, in booklet form, then filed a petition for writ of certiorari with appendix in the Supreme Court of the United States in a capital case in post-conviction relief

(*Kamell Evans*), and aided in the preparation of the booklet form petitions and appendices for two companion cases (*Johnathan Kyle Binney*, *John Kennedy Hughey*); prepared and filed a return to petition for writ of certiorari in the state supreme court in another capital case in post-conviction relief (*Steven Bixby*); prepared and filed a brief of respondent in the state supreme court in another capital case in post-conviction relief (*Kenneth Simmons*). In addition, counsel traveled and presented oral argument in the Fourth Circuit Court of Appeals on Wednesday, January 27, 2016, in a non-capital federal habeas action (*Charles Richey*); and, has another federal habeas action presently on third extension due today (*James Aiken*).

2. Due to her case load, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal and would request the additional time in order to do so.

3. This is the second request for an extension of time in which to file a response.

4. Counsel for Appellant, Mr. Coleman, advises the undersigned that he has no objection to this request.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

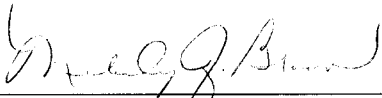
Respectfully submitted,

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

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

January 28, 2016.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

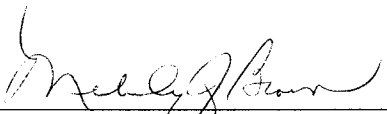
I, Melody J. Brown, Senior Assistant Attorney General, certify that I have served Respondent's Motion for a Second Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Miles E. Coleman, Esquire
Nelson Mullins
Post Office Box 10084
Greenville, SC 29601

A. Mattison Bogan, Esquire
Nelson Mullins
Post Office Box 10084
Greenville, SC 29601

Robert M. Dudek, Esquire
Chief Appellate Defender
SC Commission on Indigent Defense
Office of Appellate Defense
Post Office Box 11589
Columbia, SC 29211-1589

This 28th day of January, 2016.

BY: 
MELODY J. BROWN
S.C. Bar No. 14244

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

ATTORNEYS FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

January 28, 2016

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Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Hank Eric Hawes
Appeal from Richland County
Appellate Case No. 2014-002288

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondent's Motion for Second Extension of Time to file the Initial Brief of Respondent and Designation of Matter, dated today, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter. Please call this office if you need any additional information.

Sincerely,

Melody J. Brown
Senior Assistant Attorney General

MJB/pcm

cc: Miles E. Coleman, Esquire
A. Mattison Bogan, Esquire
Robert M. Dudek, Chief Appellate Defender