

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

The State of South Carolina,

v.

Hank Eric Hawes,

Appellate Case No.: 2014-002288.

Respondent,

Appellant,

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SC Court of Appeals

**MOTION FOR THIRD 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 third 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 returns and memoranda of law in support of motion for summary judgment in two federal habeas actions (*Chad Williams; Theodore Cobbs*); prepared and filed the Warden's objections to the report and recommendation in another federal habeas action (*Tyrone Patrick*); completed and filed a post hearing brief in a capital post-conviction relief case (*Andres Antonio Torres*); prepared and filed a return to a motion for remand in another capital case on appeal in the Supreme Court of South Carolina on denial of post-conviction relief (*Steven Bixby*); and, is currently preparing final briefs in another capital case on direct appeal in the Supreme Court of South Carolina (*Ricky Blackwell*). In addition, counsel is preparing for oral argument in a fourth

capital case (in which relief was granted in part and denied in part) which is scheduled to be heard in the Supreme Court of South Carolina on Wednesday, March 2, 2016 (*Kenneth Simmons*).

2. Due to her heavy case load, as detailed above, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal.

3. This is the third request for an extension of time in which to file a response. Respondent is cognizant of the amount of time requested at this stage of the proceedings, and will continue to work diligently within the time requested in this extension.

4. Undersigned counsel has consulted with opposing counsel, Mr. Coleman, who has indicated he has no objection to this request.

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.

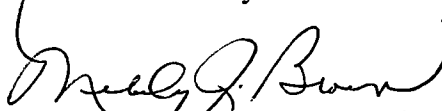
Respectfully submitted,

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

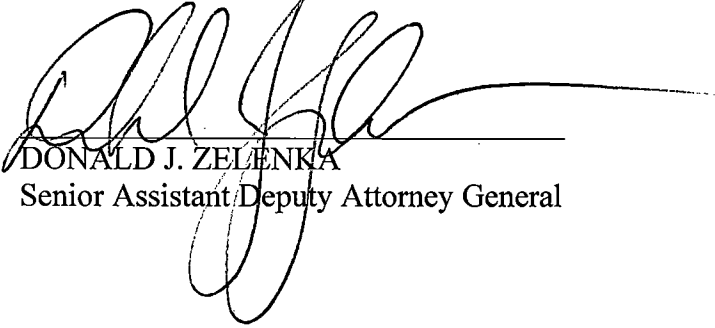
BY: 
MELODY J. BROWN
S.C. Bar No. 14244

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

February 29, 2016.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request.



DONALD J. ZELEENKA
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

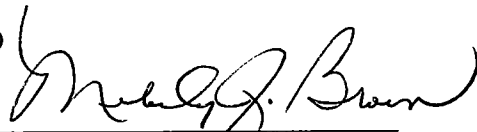
I, Melody J. Brown, Senior Assistant Attorney General, certify that I have served Respondent's Motion for a Third Extension of Time on Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel of record, addressed as follows:

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

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

This 29th day of February, 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

February 29, 2016

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SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 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 Third Extension of Time to file 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
Enclosures

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