

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

RECEIVED

MAR 30 2016

Respondent
Court of Appeals

The State of South Carolina,

v.

Hank Eric Hawes,

Appellant,

Appellate Case No.: 2014-002288.

**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 completed the following work within the past thirty (30) days: prepared and presented oral argument on March 2, 2016 in a capital PCR case (in which relief was granted in part and denied in part) in the Supreme Court of South Carolina (*Kenneth Simmons*); completed and filed final briefs of respondent (one sealed, one redacted) and prepared and filed a response in opposition to motion to file sealed supplemental record on appeal I in another capital case that is on direct appeal in the Supreme Court of South Carolina (*Ricky Blackwell*); prepared and filed a return to petition for writ of certiorari in the Supreme Court of South Carolina in a non-capital murder direct appeal (*Don Survi-Chislom*); prepared and filed a reply in another capital case on petition for writ of certiorari in the Supreme Court of the United

States (*Kamell Evans*); prepared and filed returns and memorandum in support of motions for summary judgment in two federal habeas actions previously on extension (*Ila Michelle Carter*; *Joseph Dozier*); and, filed a response in opposition to motion to stay in another federal habeas action (*Chad Everette Williams*). Additionally, counsel is preparing for an evidentiary hearing to be held March 31 – April 1, 2016, in another capital PCR case (including but not limited to interviewing witnesses, prepared for and participated in scheduling/status conference, prepared and coordinated with SCDC on order of transportation of death sentenced inmate, and exhibit preparation) (*William O. Dickerson*).

2. Due to her heavy case load, undersigned counsel for Respondent has not been able to complete the initial brief in this appeal. However, counsel made this case a priority after the Simmons argument and completed significant work in preparation for the brief including review of transcripts and legal research before turning to the cases listed above in which work was also due to be completed prior to the expiration of the extension in the instant case. Counsel will continue to work diligently to prepare the brief after completion of the hearing on April 1, 2016.

3. This is the fourth request for an extension of time in which to file a response. Counsel is cognizant of this fact and will continue to work diligently to complete the brief.

4. Respondent has consulted with opposing counsel, Mr. Coleman, who advises undersigned counsel 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,

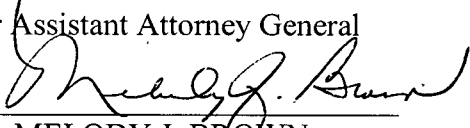
ALAN WILSON
Attorney General

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

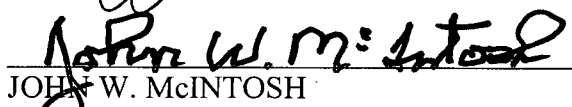
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

March 30, 2016.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General


JOHN W. McINTOSH
Chief Deputy Attorney General

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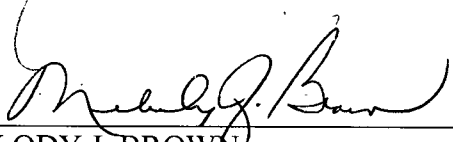
PROOF OF SERVICE

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:

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 30th day of March, 2016.


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

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Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

March 30, 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 Fourth Extension of Time to file Initial Brief of Respondent and Designation of Matter, dated March 30, 2016, 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/pc
Enclosures

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