

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Calhoun County  
Maité Murphy, Circuit Court Judge

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The State of South Carolina,

Respondent,

v.

Jerry McKnight, Sr.,

**RECEIVED**

Appellant, MAY 06 2016

Appellate Case No.: 2015-000559.

**SC Court of Appeals**

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**MOTION FOR THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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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 responses in opposition to motions to alter or amend in two other federal habeas actions (*Tyrone Patrick; Keith Sims*); prepared and filed responses in opposition to a motion to amend and a motion to stay in another federal habeas action (*Theodore Cobbs*); prepared for and presented oral argument in the Supreme Court of South Carolina in a capital case on direct appeal (*Ricky Blackwell*); prepared and filed a response in opposition to motion to stay and a response to proposed first amended petition for writ of habeas corpus in another federal habeas action (*Chad Everette Williams*); prepared and filed two notices of the return of served documents in another

federal habeas action (*Roshune Carelock*); and, completed and filed an initial brief of respondent in a non-capital murder direct appeal pending in the South Carolina Court of Appeals (*Hank Hawes*). Counsel is currently preparing for the final portion of the evidentiary hearing in the *Dickerson* capital PCR which is scheduled for May 12<sup>th</sup> and 13<sup>th</sup> to be held in Charleston, SC, including, but not limited to, reviewing expert reports, preparing cross-examination notes, and reviewing discovery and other materials (*William Dickerson*).

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. Anderson, 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,

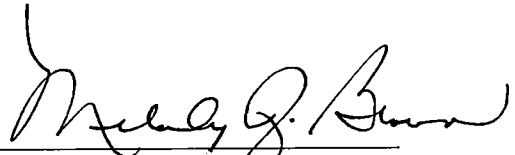
ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Attorney General

BY:



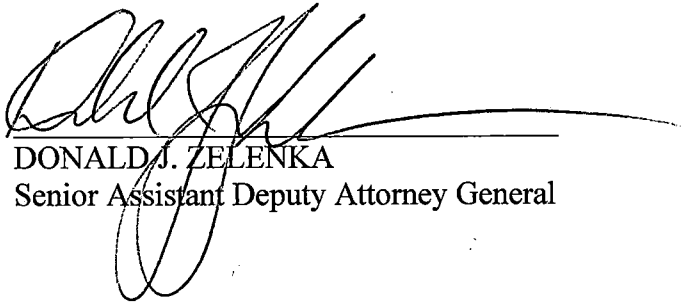
MELODY J. BROWN  
S.C. Bar No. 14244

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

May 6, 2016.  
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request.



DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA  
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**PROOF OF SERVICE**

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MAY 06 2016

**SC Court of Appeals**

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:

Howard W. Anderson, III, Esquire  
Law Office of Howard W. Anderson, III, LLC  
Post Office Box 661  
Pendleton, SC 29670

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 6<sup>th</sup> day of May, 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

May 6, 2016

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MAY 06 2016

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. Jerry McKnight, Sr.  
Appeal from Calhoun County  
Appellate Case No. 2015-000559

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

MBJ/pjc  
Enclosures

cc: Howard W. Anderson, III, Esquire  
Robert M. Dudek, Chief Appellate Defender