



ALAN WILSON
ATTORNEY GENERAL

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S.C. Supreme Court

October 24, 2012

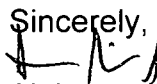
The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: *State v. Terry Dean Gregory*
Appeal from Greenville County
Appellate Case No. 2012-208587

Dear Mr. Shearouse:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, October 24, 2012. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Extension to File Initial Brief of Respondent and Designation of Matter. Opposing counsel has been contacted and does not oppose this request.

Sincerely,


Alphonso Simon, Jr.,
Assistant Attorney General

AS/dmd

Enclosures

cc: James W. Bannister, Esq. (w/two copies of encls.)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Greenville County
The Honorable Robin S. Stilwell, Circuit Court Judge **S.C. Supreme Court**
Appellate Case No. 2012-208587

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

TERRY DEAN GREGORY,

APPELLANT.

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

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, October 24, 2012, based upon this Court's grant of Respondent's second request for an extension filed on September 25, 2012.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since September 21, 2012. Specifically, counsel prepared and filed the Returns and Memoranda of Law in Support of Motions for Summary Judgment in Michael Hilton, #320363 vs. M. McCall, Warden, Lee C.I., C/A No. 1:12-1540-TMC-SVH; Robbie Collins, #290946 vs. Anthony Padula, C/A

No. 2:12-710-CMC-BHH; David C. Anthony, #285811 vs. Cecilia Reynolds, Warden, C/A No. 6:12-01539-CMC-KFM; and Dexter Antonio Williams, #279004 vs. Warden, Lieber Corr. Inst., C/A No.: 0:12-1705-SB-PJG, all federal habeas actions pending before the United States District Court for the District of South Carolina.

Counsel filed the Return to Petition for Writ of Certiorari in the matter of State v. Joel Antawan Robinson, a direct appeal in a Richland County murder case now pending before this Court. Counsel also filed a Brief of Respondent in the matter of State v. Adams Gibson, another direct appeal in a Richland County murder case also before this Court. Counsel filed the Final Brief of Respondent in State vs. Marquis Breeland, a direct appeal in an Allendale County murder case currently pending before the South Carolina Court of Appeals.

Counsel represented the State at the deposition of Wanda Brown, who was acting as records custodian for Correct Care Solutions, in relation to Norman Starnes v. State, a capital post-conviction relief action pending in Lexington County. In relation to that deposition, counsel also spent a some time investigating matters related to the material sought by the Applicant at the deposition. Counsel filed Respondent's Motion for Reconsideration of Order Dismissing Respondent's Motion to Alter or Amend Judgment in the Horry County capital post-conviction relief matter of Louis Michael Winkler, #6027 vs. The State of South Carolina, and is presently preparing Respondent's post-trial brief in Bobby Wayne Stone v. State, a capital post-conviction relief action currently pending in Sumter County.

Counsel was out of the office due to illness on Monday, October 22nd and Tuesday, October 23, 2012.

Counsel has reviewed the transcript and completed a substantial amount of

research and drafting of the Initial Brief in this matter. However, due to undersigned counsel's involvement in other matters pending in state and federal court, counsel was unable to timely finalize the Initial Brief in this proceeding. Counsel also needs additional time to view some of the exhibits at the Greenville County Clerk of Court's Office. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent in this matter.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
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(803) 734-3727

BY: 

Alphonso Simon, Jr.,
Assistant Attorney General

BY: 

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

October 24, 2012.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Greenville County
The Honorable Robin S. Stilwell, Circuit Court Judge
Appellate Case No. 2012-208587

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

TERRY DEAN GREGORY,


APPELLANT.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of Counsel for the Respondent, certify that I have served the within Motion for Extension to File Initial Brief of Respondent and Designation of Matter via United States Mail, first class, postage prepaid to his attorney of record, James W. Bannister, Esq., Bannister & Wyatt, LLC, 401 Pettigru Street, Greenville, SC 29601.

I further certify that all parties required by Rule to be served have been served.

This 24th day of October, 2012.



Alphonso Simon, Jr.,
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