

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 27 2016

Appeal from Greenwood County
Honorable Frank R. Addy, Jr., Circuit Court Judge

SC Court of Appeals

THE STATE,

Respondent,

v.

TAVARIOUS SETTLES,

Appellant,

Appellate Case No. 2015-000980.

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 did on April 6, 2016, order an additional transcript believed necessary for completion of the initial brief of respondent in this matter. The time for transcription has not yet passed, and that transcript has not been received. SCACR 607(d).

2. 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:

reviewed and filed a final brief of respondent in one (1) non-capital murder direct appeal in this Court (*State v. Thomas Booker James*); prepared and filed returns and memoranda of law in (2) two federal habeas actions (*Kenwood Bright* and *Gregory Green*); and prepared and filed supplemental or oppositional pleadings in additional federal habeas actions (*Kenwood Bright, Kenneth Sherman, Christopher Woody, Eric Marsh, Benjamin Nabors, and Ethan Mack*). Undersigned counsel has also, with co-counsel, consulted with, drafted, and prepared for filing a proposed order of dismissal in a capital post-conviction relief matter (*Stanko v. State*), as well as prepared for and participated in another ongoing capital post-conviction relief evidentiary hearing, which is scheduled to reconvene on May 27, 2016 (*Dickerson v. State*). Additionally, on May 9-10, 2016, undersigned counsel attended a two-day appellate practice conference in Washington, D.C., hosted by the National Attorneys General Training and Research Institute.

3. Due to her case load, undersigned counsel for Respondent has begun drafting but has been unable to complete the initial brief in this appeal in a timely fashion and would request the additional time in order to do so.

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

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.

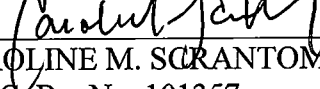
Respectfully submitted,

ALAN WILSON
Attorney General

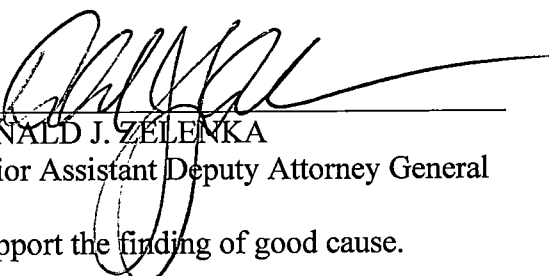
JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

CAROLINE M. SCRANTOM
Assistant Attorney General

BY: 
CAROLINE M. SCRANTOM
S.C. Bar No. 101357
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

May 27, 2016

By: 
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 27 2016

SC Court of Appeals

Appeal from Greenwood County
Honorable Frank R. Addy, Jr., Circuit Court Judge

THE STATE,

Respondent,

v.

TAVARIOUS SETTLES,

Appellant

Appellate Case No. 2015-000980.

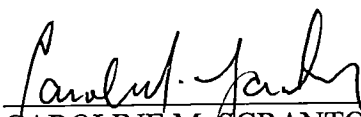
PROOF OF SERVICE

I, Caroline M. Scrantom, certify that I have served Respondent's Motion for a Third 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:

John W. Roberts
Willoughby & Hoefler, P.A.
P.O. Box 8416
Columbia, South Carolina 29202

Robert M. Dudek
SCCID/Division of Appellate Defense
P.O. Box 11589
Columbia, South Carolina 29211

This 27th day of May, 2016.



CAROLINE M. SCRANTOM
S.C. Bar No. 101357
Office of Attorney General

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



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

MAY 27 2016

SC Court of Appeals

May 27, 2016

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

Re: The State v. Tavarious Settles
Appeal from Greenwood County
Appellate Case No. 2015-000980

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondent's Motion for Third 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,

Pamela Cooper
Legal Assistant to Caroline M. Scrantom
Assistant Attorney General

CMS/pc

cc: John W. Roberts, Esquire
Robert M. Dudek, Esquire, Chief Appellate Defender