

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County
George C. James, Circuit Court Judge

Appellate Case No. 2015-002443

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FEB 02 2017

SC Court of Appeals

THE STATE,

Respondent,

vs.

RODNEY R. GREEN,

Appellant.

**MOTION FOR EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent 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, February 2, 2017, pursuant to this Court's Order dated January 5, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since January 3, 2017. Specifically, counsel filed the State's Return to Motion to Stay Issuance of Remittitur in the Horry County capital matter of Louis M. Winkler v. State of South Carolina, Case No. 2011-CP-26-03907.

Counsel filed the Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgment in Channack Keam, #328676 vs. Larry Cartledge, C/A No. 6:16-3245-JMC-KFM; and counsel has reviewed the files and has nearly completed the Return and Memorandum of Law in support of Motion for Summary Judgment in Shannon McGee, Sr., #147120 vs. Warden Joseph McFadden, C/A No. 1:16-3866-PMD-SVH, both federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel filed Respondent-Appellee's Informal Response Brief in the matter of Donald Scott Jones vs. Joseph McFadden, Warden, Case No. 16-6897, a federal habeas action now pending in the United States Court of Appeals for the Fourth Circuit. Counsel also filed a Status Report in the matter of Abdiyyah Alkebulanyahh v. William Byars, Jr., Case No. 15-3, a capital federal habeas matter also pending in the United States Court of Appeals for the Fourth Circuit.

Counsel filed Respondent's Motion to Lift Stay and Dismiss Action in James Nathaniel Bryant, III, #6001 vs. State of South Carolina, Case No. 2013-CP-26-6631, a Horry County capital post-conviction relief matter. Counsel also filed Respondent's Supplement to Return and Amended Application for Post-Conviction Relief and Motion to Dismiss in the Beaufort County capital matter of Abdiyyah Ben Alkebulanyahh, #6012 v. William Byars, Jr., 2014-CP-07-2994.

Counsel has done a significant amount of work preparing the Initial Brief of Respondent and has read the transcript in this matter. However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent in this proceeding. Thus,

counsel is requesting an extension of time in which to file the Initial Brief of Respondent.
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.

Respectfully Submitted,

ALAN WILSON
Attorney General

J. ROBERT BOLCHOZ
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
Bar No. 74713

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

By: 
ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

February 2, 2017.

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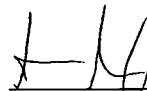
Appellant.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension of time to file the Initial Brief of Respondent via U.S. mail to his attorney of record, Susan B. Hackett, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

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

This 2nd day of February, 2017.



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



ALAN WILSON
ATTORNEY GENERAL

February 2, 2017

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SC Court of Appeals

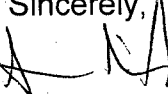
The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: The State vs. Rodney R. Green
Appellate Case No. 2015-002443

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. I am informing opposing counsel of my request by copy of this letter.

Thank you for your assistance in this matter.

Sincerely,


Alphonso Simon, Jr.
Assistant Attorney General

AS/dmd
Enclosures

cc: Susan B. Hackett, Esq. (w/two copies of encls.)