

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2015-002443

RECEIVED

MAR 06 2017

SC Court of Appeals

THE STATE,

Respondent,

vs.

RODNEY R. GREEN,

Appellant.

**MOTION FOR THIRD 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, March 6, 2017, pursuant to this Court's Order dated February 7, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 3, 2017. Specifically, counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Channack Keam, #328676 vs. Larry Cartledge, C/A No. 6:16-3245-JMC-KFM, a federal habeas action pending in the United States District Court for the District of

South Carolina. Counsel also filed Respondent's Status Report in James Nathaniel Bryant, III, #6001 vs. William R. Byars, C/A No. 1:13-2665-CMC-SVH, a federal habeas action in an Horry County capital case now pending in the United States District Court for the District of South Carolina.

Counsel is today filing the Return and Memorandum of Law in Support of Motion for Summary Judgment in Shannon D. McGee, Sr., #147120 vs. Warden Joseph McFadden, C/A No. 1:16-3866-PMD-SVH, a federal habeas action pending in the United States District Court for the District of South Carolina. Counsel has also spent a substantial amount of time reviewing the files and beginning the Return and Memorandum of Law in Support of Motion for Summary Judgment in John Julius Smith, #246646 v. Warden, Goodman Correctional Institution, C/A No. 4:16-4008-TLW-TER, another federal habeas action pending in the United States District Court for the District of South Carolina.

Counsel also filed a Petition for Rehearing in Bobby Wayne Stone v. State, Appellate Case No. 2013-001968, an appeal in a capital post-conviction relief action now pending before the South Carolina Supreme Court. Counsel has also drafted the Return to Petition for Writ of Certiorari in State v. James K. Bethel, Appellate Case No. 2017-000096 (Ct. App. Case No. 2013-002478), an appeal in a Richland County murder case now pending before the South Carolina Supreme Court, which will be filed this week.

Undersigned counsel was also out of the office for a significant amount of time in the past two weeks due to a family medical/surgical issue.

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
Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
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By: 

ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

By: 

DONALD J. ZELENKA
Deputy Attorney General

I support the finding of good cause.
March 6, 2017.

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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 third 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 6th day of March, 2017.



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



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

March 6, 2017

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 Third 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.)