

**STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Appeal from Lexington County
The Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case No.: 2014-001611

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S.C. SUPREME COURT

YANCEY THOMPSON,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

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

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

1. Respondent's Brief is due today, May 5, 2017, pursuant to this Court's Order dated April 6, 2017. Undersigned counsel assumed representation for Respondent on this matter by letter dated May 1, 2017.

2. While counsel has been able to review Petitioner's Brief, and a portion of the appendix, counsel has not been able to complete the Respondent's Brief due to existing additional case load demands. Counsel references specifically the following work completed in the past thirty (30) days: prepared and filed a reply brief in the Supreme Court of the United States in a murder direct appeal (*Julio Hunsberger*); prepared and filed a response to motion for counsel and motion for stay in a capital case pending federal habeas action (*Steven Bixby*); prepared, circulated, and filed a joint status report in a capital federal habeas action (*Bayan Aleksey*); aided in the preparation of formal interrogatories to post-conviction relief counsel in another capital federal habeas action (*Sammie Stokes*); completed and filed a return and memorandum of law in support of motion for summary judgment in a non-capital habeas action (*George Porterfield*); completed and filed a return and memorandum of law in support of motion for summary judgment in another non-capital habeas action (*Joshua Ray Greer*); prepared for and attended a hearing in Conway, SC, on a motion to reconsider denial of a motion to amend in a capital post-conviction relief case, and drafted a proposed order in the same case (*Stephen Corey Bryant*); prepared for and presented argument in this Court in a non-capital murder direct appeal case (*Tyrel Collins*); and prepared for and attended a hearing in the District Court in Greenville, SC, in a pending federal habeas action in another capital case (*Brad Sigmon*).

3. As noted above, this is the third request for an extension of time at this step in the proceedings. This request is not made for simple purposes of delay, but out of necessity given the change in representation and the case load preventing completion of the return in the time remaining on the prior extension. However, undersigned counsel will work diligently to complete the brief within the time requested.

WHEREFORE, undersigned counsel for Respondent moves this Court to enlarge the time for filing the Brief of Respondent in this matter by granting a thirty (30) day extension of time in which to file the brief, and ordering that the Brief of Respondent be filed on or before June 5, 2017.

Respectfully submitted,

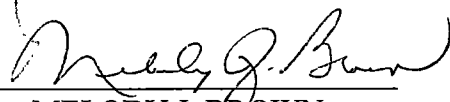
ALAN WILSON
Attorney General

J. ROBERT BOLCHOZ
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

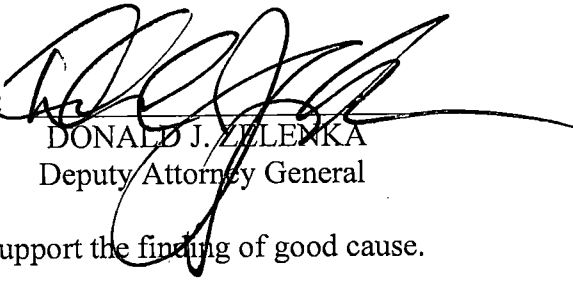
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By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

May 5, 2017
Columbia, South Carolina

[continued on next page]

By: 
DONALD J. ZELENA
Deputy Attorney General

I support the finding of good cause.

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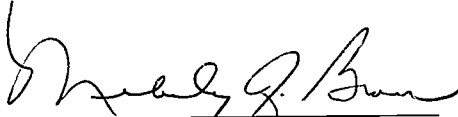
Respondent.

PROOF OF SERVICE

I, Melody J. Brown, 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 Brief of Respondent via U.S. mail to his attorney of record, Robert M. Pachak, 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 5th day of May, 2017.



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