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2nd REB due 5/15/17

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable Robin B. Stilwell, Circuit Court Judge
Appellate Case No. 2016-000549

THE STATE,

Respondent,

vs.

BILLY LEMURCES TAYLOR,

Appellant.

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MAY 15 2017
SC Court of Appeals

MOTION FOR SECOND 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, May 15, 2017, pursuant to this Court's Order dated April 17, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since April 14, 2017. Specifically, counsel filed the Returns and Memoranda of Law in Support of Motions for Summary Judgment in John Julius Smith, #246646 vs. Warden, Goodman Correctional Institution, C/A No. 4:16-4008-TLW-TER, and Lexie James Turner, #249878 vs. State of South Carolina, C/A No.

1:17-581-JMC-SVH, both federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel also filed a Reply to the Response in Opposition to the Motion for Summary Judgment in Shannon D. McGee, Sr., #147120 vs. Warden Joseph McFadden, C/A No. 1:16-3866-PMD-SVH, and a Response in Opposition to Motion to Alter or Amend Judgment in Damien O. Johnson, #305511 vs. Warden, Livesay Correctional Institution, C/A No. 5:15-02059-MBS, both federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel is also today filing a Reply to the Response in Opposition to the Motion for Summary Judgment in Lexie James Turner, #249878 vs. State of South Carolina, C/A No. 1:17-581-JMC-SVH.

Counsel filed the Initial Brief of Respondent in State v. Rodney R. Green, Appellate Case No. 2015-002443, a direct appeal in a Sumter County murder case now pending before the South Carolina Court of Appeals.

Counsel also prepared and filed the Respondents' Supplemental Brief Regarding Appointment of Counsel in Bobby Wayne Stone, #5051 vs. Stirling, et al., C/A No. 2:17-00136-MGL-MGB, a Sumter County capital case now pending in the United States District Court for the District of South Carolina.

Counsel has spent a significant amount of time reviewing the files and preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Supreme Raheem Ackbar, #182864, a/k/a Ronald Gary, #275886 vs. Warden McFadden, C/A No. 4:17-00334-RMG-TER. Counsel has also done a significant amount of work in the matter of State vs. Sylvester Keejuan King, Appellate Case No.

2015-002541, a direct appeal in a Greenville County murder case now pending before the South Carolina Court of Appeals.

Counsel has nearly completed review of the transcript in this case and has done a significant amount of work preparing the Initial Brief of Respondent. 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

May 15, 2017.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Honorable Robin B. Stilwell, Circuit Court Judge

Appellate Case No. 2016-000549

THE STATE,

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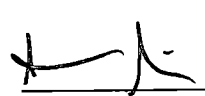
Appellant.

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, David Alexander, 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 15th day of May, 2017.



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



ALAN WILSON
ATTORNEY GENERAL

May 15, 2017

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

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MAY 15 2017

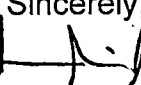
SC Court of Appeals

Re: *The State v. Billy Lemurces Taylor*
Appeal from Greenville County
Appellate Case No. 2016-000549

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: David Alexander, Esq. (w/two copies of encls.)