

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable C. Victor Pyle, Circuit Court Judge
Appellate Case No. 2015-002541

RECEIVED

JUN 02 2017

SC Court of Appeals

THE STATE,

Respondent,

vs.

SYLVESTER KEEJUAN KING,

Appellant.

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

The undersigned counsel would respectfully request a fourteen (14) 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, June 2, 2017, pursuant to this Court's Order dated May 11, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since May 3, 2017. Specifically, counsel filed a Response in Opposition to the Motion for Partial Summary Judgment and Motions for Expansion of the Record and for an Evidentiary Hearing in John Julius Smith, #246646 vs. Warden, Goodman Correctional Institution, C/A No. 4:16-4008-TLW-TER, a federal habeas

action pending in the United States District Court for the District of South Carolina. Counsel also filed a Reply to the Response in Opposition to Motion for Summary Judgment in in Lexie James Turner, #249878 vs. State of South Carolina, C/A No. 1:17-581-JMC-SVH, another federal habeas action pending in the United States District Court for the District of South Carolina.

Counsel filed a Petition for Rehearing in State v. Shannon Scott, a State's appeal from a grant of immunity under the Protection of Persons and Property Act currently pending before the South Carolina Court of Appeals. Counsel also filed a Return and Motion for a Stay and Hold in Abeyance in Kenneth Levi Young v. State, Case No. 2017-CP-32-00959, a post-conviction relief action pending in the Lexington County Court of Common Pleas.

Counsel filed a Status Report in the matter of James N. Bryant, III vs. William Byar, Jr., Commissioner, Carolina Department of Corrections, and Warden, Lieber Correctional Institution, C/A No. 1:13-2665-CMC-SVH, an Horry County capital case now pending in the United States District Court for the District of South Carolina.

Counsel has also spent a significant amount of time reviewing the transcript and research in preparation for drafting the initial brief of respondent in State v. Billy Lemurces Taylor, Appellate Case No. 2016-000549, a direct appeal in a Greenville County murder case now pending before the South Carolina Court of Appeals. Counsel also spent a significant amount of time reviewing the Appendix and state court records for filing 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 also spent some time reviewing the file and

preparing the return in George Jones v. State, a post-conviction relief action pending in the Lexington County Court of Common Pleas. Counsel has also spent a significant amount of time reviewing the files and working on the Return and Memorandum of Law in Support of Motion for Summary Judgment in Henry J. Galloway, #236967 vs. Warden David Dunlap, C/A No. 5:17-00878-MGL-KDW, another federal habeas action pending in the United States District Court for the District of South Carolina.

Counsel has also 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, another federal habeas action pending in the United States District Court for the District of South Carolina. The Return in this matter will be filed today, June 2, 2017.

Counsel has 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. The brief is nearly complete. Counsel just needs additional time to review an exhibit and to make some revisions to the brief. 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 fourteen (14) 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

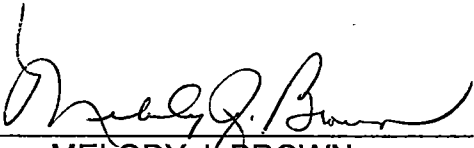
DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy

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

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I support the finding of good cause

June 2, 2017.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable C. Victor Pyle, Circuit Court Judge

Appellate Case No. 2015-002541

RECEIVED

JUN 02 2017

SC Court of Appeals

THE STATE,

Respondent,

vs.

SYLVESTER KEEJUAN KING,


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 third extension of time to file the Initial Brief of Respondent via U.S. mail, postage prepaid to his attorney of record, Robert M. Dudek, 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 June, 2017.



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



ALAN WILSON
ATTORNEY GENERAL

June 2, 2017

RECEIVED
JUN 02 2017
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 v. Sylvester Keejuan King*
Appeal from Greenville County
Appellate Case No. 2015-002541

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: Robert M. Dudek, Esq. (w/two copies of encls.)