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3rd RTB due 6/14/17

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,

RECEIVED

vs.

JUN 14 2017

SC Court of Appeals

BILLY LEMURCES TAYLOR,

Appellant.

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

The undersigned counsel would respectfully request a twenty-one (21) 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 14, 2017, pursuant to this Court's Order dated May 17, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since May 15, 2017. Specifically, counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in Supreme Raheem Ackbar, #182864, a/k/a Ronald Gary, #275886 vs. Warden McFadden, C/A No. 4:17-00334-RMG-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 the Motion for Summary Judgment, and a Reply to Amended Response in Opposition to Motion for Judgment 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 also filed a Response in Opposition to Motion for Partial Summary Judgment, Expansion of the Record, and for Evidentiary Hearing in John Julius Smith, #246646 vs. 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 filed the Petition for Rehearing in State v. Shannon Scott, Appellate Case No. 2013-002124, a direct appeal in a Richland County murder case now pending before this Court.

Counsel also prepared and filed the Respondents' Status Report in James Nathaniel Bryant, III, #6001 vs. William Byars, Jr., Commissioner, South 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 spent a significant amount of time reviewing, organizing, and preparing for filing the state court records to be filed with a Notice of Filing in Bobby Wayne Stone vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden, Warden, Lieber Correctional Institution, a Sumter County capital matter now pending in the United States District Court for the District of South Carolina.

The Notice and documents were filed pursuant to an Order filed May 11, 2017 [Docket Entry #15] by the Honorable Mary G. Lewis, United States District Judge. The filing consisted of a total of 31 attachments (which were broken into 74 separate parts for electronic filing), including a fifteen volume Appendix and a two volume Supplemental Appendix.

Counsel also filed the Final Brief of Respondent in State vs. Rodney Green, Appellate Case No. 2015-002443, a Sumter County direct appeal matter now pending in the South Carolina Court of Appeals.

Counsel also filed the Returns in Perry Hallman, #18988-021 vs. State of South Carolina, and George Jones, #352737 vs. State of South Carolina, both post-conviction relief actions pending in Edgefield County; and in Kenneth Levi Young, #266419 v. State of South Carolina, a post-conviction relief action pending in Lexington County.

Counsel 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 Henry J. Galloway, #236967 vs. Warden David Dunlap, C/A No. 5:17-878-MGL-KDW, a federal habeas action pending in the United States District Court for the District of South Carolina. Counsel has also done a significant amount of work preparing the Return to Petition for Writ of Certiorari in State vs. Calvert Myers, Appellate Case No. 2017-001032, a Richland County murder appeal matter now pending before the South Carolina Supreme Court. This Return is being filed on June 15, 2017. Also, counsel is in the process of completing the Initial Brief of Respondent in State vs. Sylvester Keejuan King, Appellate Case No. 2015-002541, a direct appeal in a Greenville County murder case now pending before this Court. This brief is being filed by June 16, 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. 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 twenty-one (21) day extension of time to serve and file the Initial Brief of Respondent.

Respectfully Submitted,

ALAN WILSON
Attorney General

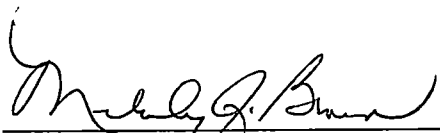
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By: 
ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

By: 
MELODY J. BROWN

I support the finding of good cause.
June 14, 2017.

**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.

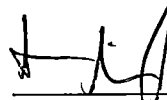
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PROOF OF SERVICE

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, 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 14th day of June, 2017.



ALPHONSO SIMON, JR.
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ALAN WILSON
ATTORNEY GENERAL

June 14, 2017

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

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

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SC Court of Appeals