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3rd REB due 7/31/17

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Pickens County  
Honorable Brian M. Gibbons, Circuit Court Judge

STATE OF SOUTH CAROLINA,

Respondent,

v.

SUZANNA BROWN SIMPSON,

Appellant

Appellate Case No. 2016-001387

RECEIVED  
JUL 31 2017  
SC Court of Appeals

MOTION TO EXTEND TIME TO FILE INITIAL  
BRIEF OF RESPONDENT AND DESIGNATION OF MATTER

The Respondent, above-named, hereby makes a third motion to the Court to extend the time of filing the Initial Brief of Respondent and Designation of Matter until August 30, 2017. The Initial Brief of Respondent in the above action is due to be filed July 31, 2017. However, Respondent has not been able to complete the initial brief because of the following reasons:

A. Respondent's counsel has been involved in intervening cases in both state and federal court, including:

1. State v. Aaron Young, Sr. (Initial Brief of Respondent, Murder) Completion of Brief, filed today, July 31, 2017 in this Court (approximately 43 pages);
2. Emory Roberts v. Warden (Federal Habeas Corpus) Reply to Petitioner's Motion for Summary Judgment, in process;

3. Mahdi v. State, (Capital 2<sup>nd</sup> or successive PCR) Review of Rule 59, SCRCPP, Motion to Alter or Amend Order of Judge Early dismissing 2<sup>nd</sup> PCR Application and Draft of Response to Rule 59, SCRCPP, Motion to Alter of Amend of Applicant, **in process July 10-12, 2017;**
4. Owens v. State (Capital Federal Habeas Action) Draft of Response to Motion for an Evidentiary Hearing and to Expand the record, **filed July 12, 2017 in U.S. District Court;**
5. Maurice Glover v. Stirling (Federal Habeas Action) Response to Motion to Dismiss, **filed July 26, 2017 in U.S. District Court;**
6. Maurice Glover v. Stirling (Federal Habeas Action) Response to Motion for Discovery, **filed July 5, 2017 in U.S. District Court;**
7. Pearson v. McFadden (Federal Habeas Action) Response to Motion to View All Claims, **filed July 5, 2017;**
8. Walter Chase Alley v. Warden (Federal Habeas Action/Murder) Review of transcript to prepare Return and Memorandum of Law in Support of Motion for Summary Judgment, **July 26, 2017;**
9. Andrew Torrence v. State (PCR Lexington/Voluntary Manslaughter) Preparation for Evidentiary Hearing in Lexington County/ Reviewing report of Expert and Obtaining Medical Records of Applicant;
10. Michael McCraw v. State (PCR Lexington/Manufacturing Meth) Preparation of Return to PCR Application including interviewing trial counsel and filing of Return;
11. Sammy Stokes v. Warden (Capital Federal Habeas Case) Review of Trial and Sentencing Record in Preparation for Evidentiary Hearing in Federal Court, **July 24,**

2017;

12. Jerry Buck Inman v. State (Capital PCR) Depositions of three (3) witnesses in Atlanta, Georgia, on **July 25, 2017**;

13. Sean Stroman v. State (PCR / Lexington) Reviewing and approving Stipulation of Dismissal of PCR action by Applicant, **July 11, 2017**;

14. Jeffcoat v. State (PCR / Lexington) Preparation for Evidentiary Hearing, **July 24, 2017**;

15. Thomas Stafford v. State (PCR / Lexington / Felony DUI Death) Preparation for Evidentiary Hearing;

16. State v. Kareem Harry (Direct Appeal / On Cert. to S.C. Supreme Court) Review of Published Opinion of S.C. Supreme Court affirming Court of Appeals, **July 24, 2017**;

17. Review of various Orders of the U.S. District Court on federal habeas actions; And, other matters.

B. Respondent's attorney was on previously scheduled yearly family vacation July 14 – July 21, 2017.

C. Respondent's attorney's spouse is undergoing surgery today **July 31, 2017** requiring Respondent's attorney to be out of the office.

Respondent has consulted with opposing counsel, J. Falkner Wilkes, and he consents to this requested extension.

WHEREFORE, for good cause shown, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.


Respectfully submitted,

ALAN WILSON  
Attorney General

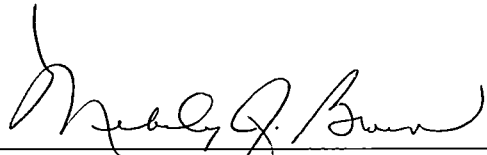
DONALD J. ZELENKA  
Deputy Attorney General

MELODY BROWN  
Senior Assistant Deputy Attorney General

ANTHONY MABRY  
Senior Assistant Attorney General  
No. 11973  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By:   
ANTHONY MABRY

I agree that good cause has been shown for the requested extension.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

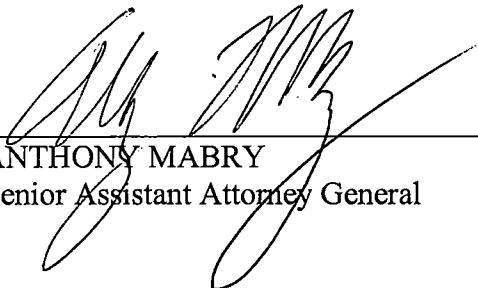
July 31, 2017

**CERTIFICATE OF SERVICE**

I, **Anthony Mabry**, hereby certify that the Third Motion to Extend time to file the Initial Brief of Respondent and Designation of Matter in the above referenced case has been served upon Appellant by depositing one copy of same in the United States Mail and addressed as follows:

J. Falkner Wilkes, Esquire  
114 Whitsett Street  
Greenville, SC 29601

This 31<sup>st</sup> day of July, 2017.



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ANTHONY MABRY  
Senior Assistant Attorney General

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ALAN WILSON  
ATTORNEY GENERAL

July 31, 2017

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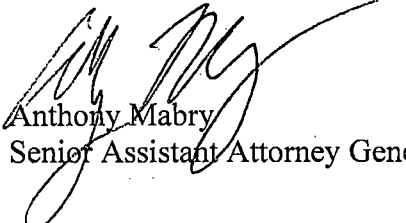
Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Re: The State v. Suzanna Brown Simpson  
Appellate Case No. 2016-001387

Dear Ms. Kitchings:

Enclosed please find a Motion to Enlarge Time for filing Initial Brief of Respondent and Designation of Matter in the above-captioned matter for filing in your office. By copy of this letter, I am serving opposing counsel with same.

Sincerely,

  
Anthony Mabry  
Senior Assistant Attorney General

JAM/lbb  
Enclosure

cc: J. Falkner Wilkes, Esquire