

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LAURENS COUNTY
Frank R. Addy, Jr., Circuit Court Judge

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DEC 06 2017

S.C. SUPREME COURT

THE STATE,

Respondent,

v.

BENNIE RAY BROWN, JR.,

Appellant

Appellate Case No. 2016-001597.

MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter, which is presently due on Thursday, December 7, 2017. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel has been lodged in preparation for oral argument in the Fourth Circuit Court of Appeals scheduled for Thursday, December 7, 2017, and is presently en route to Richmond, Virginia for that purpose. (*Anthony Odom v. Jerry Adger*). Additionally, undersigned counsel has been preparing for oral argument scheduled for Monday, December 11, 2017, in a non-capital murder appeal before the South Carolina Court of Appeals (*State v. Tavarious Settles*), as well as a non-capital post-conviction relief term for the Eleventh Circuit

which also begins Monday, December 11, 2017 (*Jacob Seay v. State; Gonzalez Wardlaw v. State; Benjamin Newman v. State*). Undersigned counsel for Respondent has also been scheduled to complete other state and federal matters in the last thirty (30) days, including a return and memorandum of law in a federal habeas corpus action (*Nicholas Nesmith v. Warden*).

2. Due to her case load and the size of the record in the above-captioned matter, undersigned counsel for Respondent has been unable to complete the initial brief of respondent in a timely fashion. Counsel requests the additional time in order to do so.

3. This is the second request for an extension of time in which to file a response.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,

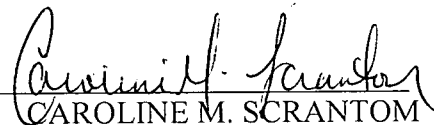
ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

CAROLINE M. SCRANTOM
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BY:


CAROLINE M. SCRANTOM

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December 6, 2017
Columbia, South Carolina

ATTORNEYS FOR RESPONDENT

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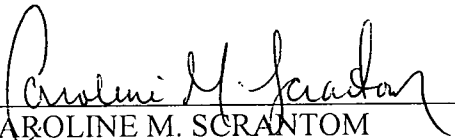
Appellate Case No. 2016-001597.

PROOF OF SERVICE

I, Caroline M. Scrantom, certify that I have served Respondent's Motion for a Second Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Susan B. Hackett, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

This 6th day of December, 2017.


CAROLINE M. SCRANTOM
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ATTORNEY FOR RESPONDENT