

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
The Honorable Larry B. Hyman, Circuit Court Judge

Appellate Case No. 2017-000480

THE STATE,

Respondent,

vs.

BRIAN KENDRICK SPEARS,

Appellant.

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SC Court of Appeals

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

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, January 2, 2018, upon this Court's grant of Respondent's first request for an extension filed on November 29, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 1, 2017. Specifically,

1. The preparation for and attendance of hearings relating to 11th Circuit PCR cases for *James Gore v. State*, *Joshua Nelson v. State*, *Demetrius Spencer v. State*, and *Demichael Mayers v. State*, the filing of the Final Brief of Respondent for *State v. Jasmine Femia (2016-001771)*, the filing of the Return and Memorandum in Support of Summary Judgment for *Pervis White v. Warden Stephon (4:17-cv-01968)*, and the filing of the Reply to Response in Opposition for *Tyrone Moore v. Warden, Kershaw Correctional Institution (4:17-cv-01240)*. Undersigned counsel is also currently preparing the extensive Federal Habeas Return for *Richard Patterson v. State (0:17-2546)* and the Initial Brief of Respondent in this matter.

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 in this matter. 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 and Designation of Matter.


Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General
ID No. 5758

MELODY J. BROWN
Senior Assistant Deputy Attorney General
ID No. 14244

W. JOSEPH MAYE
Assistant Attorney General
I.D. No. 11644

By: 
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

January 2, 2018.

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PROOF OF SERVICE

I, W. Joseph Maye, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Robert M. Pachak, Esquire, SCCID/Division of Appellate Defense, P.O. Box 11589, Columbia, South Carolina 29211-1589.

I further certify that all parties required by Rule to be served have been served.

This 2nd day of January, 2018.


W. JOSEPH MAYE
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

January 2, 2018

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

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SC Court of Appeals


Re: *The State v. Brian Kendrick Spears*
Appeal from Horry County
Appellate Case No. 2017-00480

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, January 2, 2018. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Second Extension to File Initial Brief of Respondent and Designation of Matter. I am advising counsel for Appellant by copy of this letter.

Sincerely,



W. Joseph Maye
Assistant Attorney General

WJM/dmd
Enclosures

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