

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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

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RECEIVED  
JAN 08 2018  
S.C. SUPREME COURT

THE STATE,

Respondent,

v.

BENNIE RAY BROWN, JR.,

Appellant

Appellate Case No. 2016-001597.

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

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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 today, January 8, 2018. This is Respondent's third 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. In the past thirty days, undersigned counsel for Respondent has been scheduled for a number of state and federal matters that include, but are not limited to, the following: delivered oral argument in a non-capital federal habeas action in the Fourth Circuit Court of Appeals (*Anthony Odom v. Jerry Adger*); prepared and filed a motion to dismiss and three replies or responses in opposition to *pro se* motions in two other non-capital federal habeas action in the South Carolina District Court (*Gregory Green v. Warden*; *Alwin Jones v. Warden*); assisted as

second-chair counsel in drafting a return and memorandum of law in support of a motion for summary judgment filed in a capital habeas action in the South Carolina District Court (*James Nathaniel Bryant v. Warden*); delivered oral argument in a non-capital murder appeal in the South Carolina Court of Appeals (*State v. Tavarious Settles*); appeared on behalf of Respondent in three non-capital post-conviction relief actions in the Eleventh Circuit (*Jacob Seay v. State*; *Gonzalez Wardlaw v. State*; *Benjamin Newman v. State*); and prepared and filed a return and motion for summary judgment in another non-capital post-conviction relief matter in the Eleventh Circuit (*Jahmand McNeill v. State*).

2. Due to her case load and the size of the record in the above-captioned matter, undersigned counsel for Respondent has made an initial review of the record but 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 third 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.

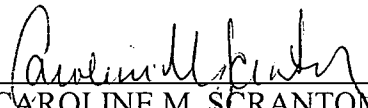
Respectfully submitted,

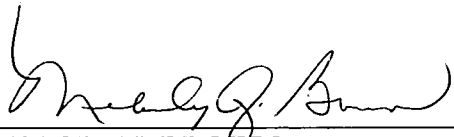
ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

CAROLINE M. SCRANTOM  
Assistant Attorney General

  
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Post Office Box 11549  
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MELODY J. BROWN  
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

January 8, 2018  
Columbia, South Carolina

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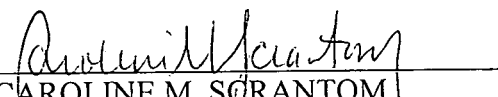
PROOF OF SERVICE

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I, Caroline M. Scrantom, certify that I have served Respondent's Motion for a Third 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 8th day of January, 2018.

  
CAROLINE M. SCRANTOM  
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ATTORNEY FOR RESPONDENT