

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2017-001115

RECEIVED
FEB 16 2018
SC Court of Appeals

THE STATE,

Respondent,

vs.

J.C. Bowler,

Appellant.

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

Respondent's Initial Brief is due today, February 16, 2018, pursuant to this Court's Order dated January 24, 2018. 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:

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since January 24, 2018, and, in particular notes: continuing work on a post-hearing brief in a capital PCR due on Tuesday, February 20, 2018 (*William Dickerson*); prepared and filed a Return and Memorandum of Law in Support of Motion for Summary Judgment in a federal habeas action (*Broderick Seay*); prepared and filed a response to motion in an original filing in the Supreme Court regarding a PCR matter (*Anne Gordon*); prepared and filed a motion to lift order holding matter in abeyance in another PCR matter (*Brett Hollis*); prepared, served and filed a Rule 59 motion in another PCR matter (*Rodney Bryan*); prepared and filed a status report in a capital case in federal habeas (*Bayan Aleksey*); prepared and filed a return to petition

for writ of certiorari in a murder direct appeal (*Jerry McKnight*); attended a deposition de bene esse in Saluda County for the upcoming February 20-23, 2018 PCR term; continued preparation for PCR term to be held February 20-23, 2018 in Lexington County; and, prepared for and attended an administrative conference for pending PCR actions in the Eleventh Circuit in Lexington on January 30, 2018.

In addition to the above work – and the undersigned’s administrative and supervisory responsibilities – counsel has twice reviewed the brief to be submitted in this case. The brief is substantially completed. The brief should be filed within the time requested in this extension.

This request is made in good faith, and not for the purposes of delay.

Appellant’s counsel, by signature below, does not oppose this extension request.

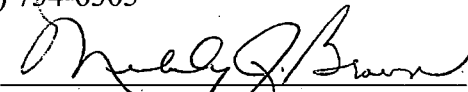
WHEREFORE, based on the foregoing, Respondent respectfully request a second thirty (30) day extension of time in which to file the Initial Brief of Respondent.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
Bar No. 14244
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

I do not oppose:

Robert M. Packak, Esq.,

STATE OF SOUTH CAROLINA
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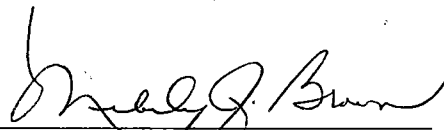
Appellant.

PROOF OF SERVICE

I, Melody J. Brown 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, Robert M. Pachak, 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 16th day of February, 2018.



MELODY J. BROWN
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

February 16, 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 vs. J.C. Bowler
Appellate Case No. 2017-001115

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second 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,

Melody J. Brown
Senior Assistant Deputy Attorney General

MJB/trb
Enclosures

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