

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
The Honorable R. Markley Dennis, Circuit Court Judge

Appellate Case No. 2016-000870

RECEIVED

FEB 20 2018

SC Court of Appeals

THE STATE

RESPONDENT,

V.

BRANDON RASHAD MARSHALL,

APPELLANT.

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

The undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Brief is due today, Tuesday, February 20, 2018, pursuant to this Court's Order dated January 25, 2018.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since January 19, 2018. Specifically, counsel prepared and filed the Respondents' Reply to Petitioner's Objections to Report and Recommendation in Charles Christopher Williams vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Willie D. Davis, Warden of Kirkland Correctional

Institution, C/A No. 6:16-cv-1655-JMC, a federal habeas action in a capital murder case now pending in the United States District Court for the District of South Carolina.

Counsel also prepared and filed the Motion for Summary Judgment, and the Returns and Memoranda of Law in Support of Motion for Summary Judgment in Joseph Gabriel Cobb, #183773 vs. Warden, Perry Correctional Institution, C/A No. 6:17-2755-TLW-KFM; and Lemond C. Holland, #322379 v. Bryan Stirling; Scott Lewis, C/A No. 0:17-3286-HMH-PJG; both federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel filed Respondent's Response In Opposition to Motion for Appointment of Counsel [Docket Entry #41]; and Respondent's Response in Opposition to Motion for Stay [Docket Entry #44] in Tunzy A. Sanders, #255493 vs. Warden Allendale Correctional Institution, C/A No. 2:17-1819-HMH-MGB, another federal habeas matter now pending in the United States District Court for the District of South Carolina.

Counsel also prepared the Respondent's Return to Motion for Stay of Execution and Appointment of Counsel in Marion Bowman, Jr., #6006 vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Willie Davis, Warden, Kirkland Correctional Institution, C/A No. 9:18-cv-00287-TLW-BM, another federal habeas matter in a capital case now pending in the United States District Court for the District of South Carolina.

Counsel filed the Brief of Respondent in State vs. James Kevin Bethel, Appellate Case No. 2017-000096, a Richland County murder case now pending before the South Carolina Supreme Court after a grant of a writ of certiorari in the direct appeal.

Counsel prepared and filed the Petition for Writ of Certiorari and Appendix in Lance Austin Williams, #345477 vs. State of South Carolina, Appellate Case No. 2017-001877, a Lexington County Post-Conviction Relief appeal matter now pending before the South Carolina Supreme Court.

Counsel has also spent a significant amount of time preparing for the upcoming post-conviction relief term of court Lexington County the week of February 19, 2018.

Counsel also filed the Respondents' Reply to Petitioner's Traverse and Memorandum of Law in Opposition to Attorney General's Motion for Summary Judgment in James N. Bryant, III, #6001 vs. Bryan Stirling, Commissioner, South Carolina Department of Corrections, and Warden, Willie Davis, Kirkland Correctional Institution, C/A No. 1:13-2665-CMC-SVH, a federal habeas action in a capital case now pending in the United States District Court for the District of South Carolina.

Counsel has reviewed the transcript and done some research in preparation for drafting the 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 Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Brief of Respondent. 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 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. 07979

ALPHONSO SIMON, JR.
Assistant Attorney General
Bar No. 74713
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 

ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

February 20, 2018.

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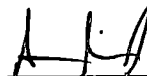
APPELLANT.

PROOF OF SERVICE

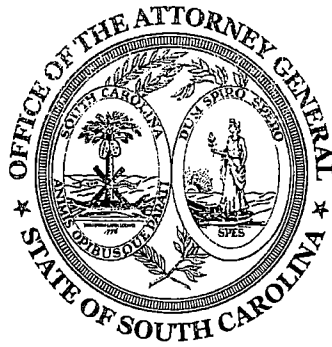
I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within Motion for a Second Extension of Time to File the Brief of Respondent via U.S. mail to his attorney of record, Susan B. Hackett, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

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

This 20th day of February, 2018.



ALPHONSO SIMON, JR.
Office of the Attorney General
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Columbia, South Carolina 29211
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ALAN WILSON
ATTORNEY GENERAL

February 20, 2018

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SC Court of Appeals

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

Re: *The State v. Brandon Rashad Marshall*
Appeal from Charleston County
Appellate Case No. 2016-000870

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Brief of Respondent in the above-referenced case. The Brief of Respondent is currently due to be served and filed today, Tuesday, February 20, 2018. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Brief.

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

Sincerely,

Donald J. Zelenka, Deputy Attorney General
on behalf of Alphonso Simon, Jr.
Assistant Attorney General

DZ/dmd

Enclosures

cc: Susan B. Hackett, Esq. (w/two copies of encls.)