

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAR 22 2018

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

SC Court of Appeals

Appellate Case No. 2016-000870

THE STATE

RESPONDENT,

V.

BRANDON RASHAD MARSHALL,

APPELLANT.

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

The undersigned counsel would respectfully request an additional twenty-one (21) 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, Thursday, March 22, 2018, pursuant to this Court's Order dated February 22, 2018.

The undersigned attorney for the Respondent has had a number of matters in state and federal court to attend to since February 20, 2018. Specifically, counsel prepared and filed Respondent's Reply to Petitioner's Response to Respondent's Motion for Summary Judgment in Lemond C. Holland, #322379 v. Bryan Stirling; Scott Lewis, C/A No. 0:17-3286-HMH-PJG, a federal habeas action pending in the United

States District Court for the District of South Carolina. Counsel has also spent a substantial amount of time drafting the Return and Memorandum of Law in Support of Motion for Summary Judgment in Tremaine Rashon Wray vs. Warden Dennis Bush, C/A No. 9:17-3066-DCN-BM, another federal habeas action pending before the United States District Court for the District of South Carolina.

Counsel spent a significant amount of time reviewing case files, organizing documents, auditing scanned documents, and filing the State Court Record 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, a federal habeas in a Dorchester County capital case now pending in the United States District Court for the District of South Carolina.

Counsel spent a significant amount of time representing the State and assisting others during the post-conviction relief term of court for Lexington County the week of February 19, 2018. From that term, counsel has also worked on drafts of proposed orders in two cases, and on two cases from a prior term of court.

Counsel prepared and provided the PCR judge proposed Orders of Dismissal in Shawn F. Anderson, #210811 vs. State of South Carolina, Case No. 2016-CP-32-00569; and in Julius Irick Gilyard, Jr., #256932 vs. State of South Carolina, Case No. 2015-CP-32-02465, both post-conviction relief matters pending in Lexington County. Counsel has also spent a substantial amount of time doing necessary preliminary work for an upcoming term of court for post-conviction relief actions in Lexington County. This has included compiling, reviewing, organizing, and providing copies of files to

appointed counsel in Jeffrey D. Cromer, #197498 v. State of South Carolina, Case No. 2012-CP-32-2197, another post-conviction relief action pending in Lexington County.

Counsel has also spent a significant amount of time compiling the Joint Appendix and preparing the Opening Brief of Appellant in Matthew Jamison v. Levern Cohen, No. 17-7466, an appeal in a federal habeas action pending in the United States Fourth Circuit Court of Appeals. The Appendix and the Opening Brief in that action are scheduled to be filed on Monday, March 26, 2018. Counsel has also spent a significant amount of time researching several issues and preparing documents for consideration for a potential filing in Charles Christopher Williams vs. Bryan P. Stirling, C/A No. 6:16-1655-JMC, a federal habeas action in a Greenville County capital case in which federal habeas relief was granted earlier this month.

Counsel has reviewed the transcript, and drafted portions of the Brief of Respondent in this case. 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 twenty-one (21) day extension of time to serve and file the Brief of Respondent.

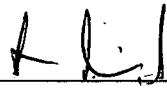
Respectfully Submitted,

ALAN WILSON
Attorney General

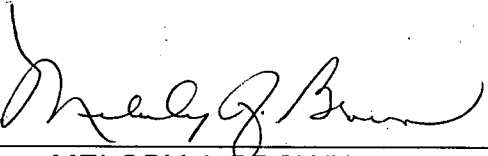
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By: 
ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

March 22, 2018.

By: 
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I support the finding of good cause.

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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 Third 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 22nd day of March, 2018.



ALPHONSO SIMON, JR.
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Columbia, South Carolina 29211
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ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

March 22, 2018

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 twenty-one (21) 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, Thursday, March 22, 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 Third Extension to File Brief of Respondent. I am advising counsel for Appellant by copy of this letter.

Sincerely,

Alphonso Simon, Jr.
Assistant Attorney General

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

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