



2nd IIB due 6/18/18

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY
The Honorable Maité Murphy, Circuit Court Judge

Appellate Case No. 2017-000870

THE STATE

RESPONDENT

RECEIVED

v.

JUN 18 2018

CHRISTIAN ANTHONY HIMES,

SC Court of Appeals

APPELLANT.

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

The undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter 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, Monday, June 18, 2018, pursuant to this Court's Order dated May 22, 2018.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since May 18, 2018. Specifically, counsel filed the Motions for Summary Judgment and Returns and Memoranda of Law in Support of Motions for Summary Judgment in Stanley Shawn Davis, #277744 vs. Warden, Lee Correctional

Institution, C/A No. 5:18-00441-JMC-KDW; and Curtis Nealey, #337988 vs. Warden Dennis Bush, C/A No. 1:18-777-RBH-SVH, both federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel also drafted and filed the Respondent's Response to Motion to Stay in Marion Bowman v. Stirling, et al., C/A No. 9:18-00287-TLW-BM, a federal habeas action in a Dorchester County capital murder case now pending in the United States District Court for the District of South Carolina.

Counsel also spent a significant amount of time reviewing files in preparation for an evidentiary hearing in a post-conviction relief action in Derell Green vs. State of South Carolina, a Charleston County murder case, which was set for a hearing on May 22, 2018. Counsel also spent a significant amount of time preparing for oral argument in State v. James Bethel, a direct appeal in a Richland County murder case now pending before the South Carolina Supreme Court. Counsel presented oral argument on behalf of the State in that appeal on May 23, 2018.

Counsel also spent a significant amount of time drafting and filing the Reply Brief of Appellant in Jamison v. Cohen, Case No. 17-7466, an appeal pending in the United States Court of Appeals for the Fourth Circuit in a federal habeas action.

Counsel also drafted and filed a Motion to Alter or Amend Judgment Pursuant to Rule 59 (e), SCRCP in the Lexington County post-conviction relief matter of Bryan Jordan Phillips, #318212 vs. State of South Carolina, 2013-CP-19-0386.

Counsel has spent a significant amount of time preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in Bobby Wayne Stone vs. Brian P. Stirling, Commissioner, South Carolina Department of Corrections;

Joseph McFadden, Warden, Lieber Correctional Institution, C/A No. 2:17-01221-MGL-MGB, a federal habeas action in a Sumter County capital murder case now pending in the United States District Court for the District of South Carolina. Counsel has also spent a substantial amount of time reviewing files and starting the Return and Motion to Dismiss to file in response to an application for post-conviction relief filed by Mr. Stone last week. With that, counsel has also been preparing a petition for assignment of a post-conviction relief action judge to review the application for post-conviction relief filed by Mr. Stone.

Counsel has also spent a significant amount of time reviewing the transcript and doing research in preparation for drafting the Initial Brief of Respondent in this matter.

However, due to counsel's involvement in these and other matters in state and federal court, counsel has not been able to complete the Initial Brief of Respondent and Designation of matter in this action. Thus, counsel respectfully requests a thirty (30) day extension of time to allow counsel to complete the Initial Brief of Respondent and Designation of 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

MELODY J. BROWN
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By:  _____
ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

June 18, 2018.

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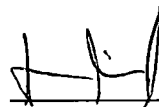
RESPONDENT
APPELLANT.

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 Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Laura R. Baer, 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 18th day of June, 2018.



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