

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Anderson County

The Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED
JUL 16 2018
SC Court of Appeals

THE STATE,

Respondent,

v.

JASON FRANKLIN CARVER,

Appellant.

Appellate Case No. 2017-002011

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

The undersigned counsel would respectfully request a fourteen (14) 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:

Respondent's Initial Brief is due to be filed on Monday, July 16, 2018. Counsel for Respondent has received approval from Appellant's counsel via email this date. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since June 13, 2018. Specifically:

1. Counsel filed the Respondent's Reply to Petitioner's Response in Opposition to Motion for Summary Judgment in the matter of Angelo Ham, #315014 v. Warden Williams, C/A No. 6:18-00290-JMC-KFM on June 19, 2018;

2. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Marion Stewart, #221024 vs. Warden Williams, a federal habeas matter now pending in the United States District Court for the District of South Carolina on June 22, 2018;

3. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Fabien L. Green, Appellate Case No. 2017-001332, a Laurens county murder appeal matter on June 27, 2018;

4. Counsel has done a significant amount of work preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Kelvin Michael Bowen, Jr., #344725 v. Randall Williams, Warden, C/A No. 1:18-620-HMH-SVH, and in this matter;

5. Counsel will be out of the Office from Monday, July 16, 2018 through Friday, July 20, 2018 on leave with the National Guard.

However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial Brief in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a fourteen (14) 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,
Senior Assistant Deputy Attorney General

SAMUEL M. BAILEY
Assistant Attorney General
S.C. Bar No. 103131

Post Office Box 11549
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By: 
SAMUEL M. BAILEY

ATTORNEYS FOR RESPONDENT

July 13, 2018.

STATE OF SOUTH CAROLINA
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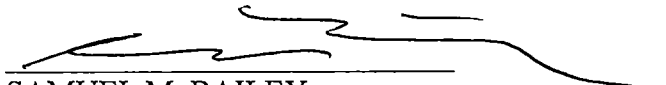
Appellate Case No. 2017-002011

PROOF OF SERVICE

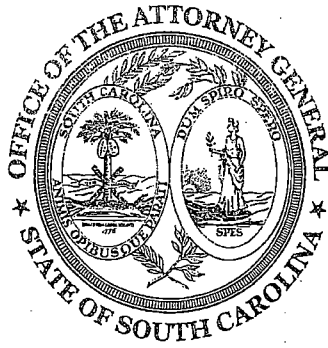
I, Samuel M. Bailey, of counsel for the Respondent, certify that I have served two (2) copies of the within Motion for a First Extension of time to file Initial Brief of Respondent and Designation of Matter via U.S. mail, postage prepaid, to his attorney of record, Donald L. Smith, Esq., Law Offices of Donald L. Smith, 122 N. Main Street, Anderson, South Carolina 29621.

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

This 13th day of July, 2018.



SAMUEL M. BAILEY
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

July 13, 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 v. Jason Franklin Carver*
Appeal from Anderson County
Appellate Case No. 2017-002011

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.

Thank you for your assistance in this matter.

Sincerely,

Samuel M. Bailey
Assistant Attorney General

SMB/dmd
Enclosures

cc: Donald L. Smith, Esq. (w/two copies of encls.)

