

2nd FIB due 6/22/18
NW due date 6/27/18

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Laurens County

The Honorable Donald B. Hocker, Circuit Court Judge

RECEIVED
JUN 20 2018
SC Court of Appeals

THE STATE,

Respondent,

v.

FABIEN LAMICHAEL GREEN,

Appellant.

Appellate Case No. 2017-001332

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

The undersigned counsel would respectfully request a seven (7) 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 today, June 20, 2018, upon this Court's grant of Respondent's first request for an extension filed on May 23, 2018.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since May 21, 2018. Specifically,

1. Counsel also filed the Final Brief of Respondent in the matter of State v. Jaycoby T. Williams, Appellate Case No. 2017-000872, an Allendale County direct appeal matter now pending before this court on May 21, 2018;

2. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Michael T. Barnes v. Stephan, C/A No. 6:18-874-JFA-KFM on May 29, 2018;

3. Counsel also filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Angelo Ham v. Williams, C/A No. 6:18-290-JMC-KFM on May 31, 2018;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Bruce Olen Underwood, #351848 vs. Warden Lewis, C/A No. 6:17-3004-JFA-KFM on June 7, 2018;

5. Counsel was out of the Office from Monday, June 11, 2018 through Monday, June 18, 2018 on leave with the National Guard;

6. 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; and

7. 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.

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 seven (7) 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
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By: 
SAMUEL M. BAILEY

ATTORNEYS FOR RESPONDENT

June 20, 2018.

STATE OF SOUTH CAROLINA
In the Court of Appeals

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THE STATE,

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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 Second Extension of time to file Initial Brief of Respondent and Designation of Matter via U.S. mail, postage prepaid, to his attorney of record, Susan Hackett, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

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

This 20th day of June, 2018.



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



ALAN WILSON
ATTORNEY GENERAL

RECEIVED
JUN 20 2018
SC Court of Appeals

June 20, 2018

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

Re: *The State v. Fabian Lamichael Green*
Appeal from Laurens County
Appellate Case No. 2017-001332

Dear Ms. Kitchings:

I hereby request an extension of seven (7) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, June 20, 2018. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

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

Sincerely,

Samuel M. Bailey
Assistant Attorney General

SMB/dmd
Enclosures

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