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2nd RIB due 9/26/18

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
The Honorable J. Derham Cole, Circuit Court Judge

Appellate Case No. 2017-001974

THE STATE,

Respondent,

vs.

HOLMES ANDREW SIMPSON-DAVIS,

Appellant.

RECEIVED
SEP 26 2018
SC Court of Appeals

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

The undersigned counsel would respectfully request a thirty (30) 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, September 26, 2018, upon this Court's grant of Respondent's first request for an extension filed on August 29, 2018.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since August 27, 2018. Specifically,

1. Counsel for Respondent has been out of the office on medical leave and is working half days due to health condition;

2. By notification from the Division of State Human Resources, Governor Henry McMaster issued Executive Order 2018-30, which orders the closure of Richland State Government office. The closure began on Tuesday, September 11, 2018 and remained in effect until Monday, September 17, 2018;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Robert Lee, Jr., #348833 v. Warden of Perry Correctional Institution, C/A No: 8:18-1921-HMH-JDA on September 21, 2018;

4. Counsel has done some work preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Joshua Brandon Phillips, #335243 vs. Warden of Turbeville Correctional Institution, C/A No. 9:18-2066-HMH-BM, which is currently due on October 22, 2018;

5. Counsel has also done some work reviewing of the Order granting Respondent's Motion for Summary Judgment and Dismissing Federal Habeas application in the matter of Mikal D. Mahdi vs. Bryan Stirling, C/A No. 8:16-3911-TMC-JDA, a capital Calhoun County matter;

6. Counsel has also done some work preparing the Initial Brief of Respondent in the matter; and

7. Opposing counsel through Wanda Carter, Esq. has graciously consented to this extension request.

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 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
Senior Assistant Deputy Attorney General
No. 07979

J. ANTHONY MABRY
Assistant Attorney General
No. 11973

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(803) 734-6305

By: 
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

September 26, 2018.

STATE OF SOUTH CAROLINA
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The Honorable J. Derham Cole, Circuit Court Judge

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THE STATE,

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PROOF OF SERVICE

I, Donna D'Alessio, an employee of the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter 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 29201-3332.

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

This 26th day of September, 2018.



Donna D'Alessio

Legal Assistant to J. Anthony Mabry,
Senior Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

September 26, 2018

RECEIVED
SEP 26 2018
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. Holmes Andrew Simpson-Davis*
Appeal from Spartanburg County
Appellate Case No. 2017-001974

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) 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, September 26, 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. Counsel for Appellant has consented to this request.

Sincerely,

Melody J. Brown, Senior Assistant Deputy Attorney
General on behalf of J. Anthony Mabry,
Senior Assistant Attorney General

MJB:dmd
Enclosures

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