

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES HEYWARD,

APPELLANT,

Appellate Case No. 2017-001542

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

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent has been scheduled for a number of state and federal matters in the last thirty (30) days, including the following: prepared and filed two replies to motions in federal habeas matters (*Willie Ritter* and *Isaiah Brown*) prepared and filed a return and memorandum of law in support of motion for summary judgment in one federal habeas action (*Kadeem Johnson*); prepared and filed a return to a motion to amend in a post-conviction relief matter (*John Henry*); prepared and filed a reply to objections to the report and recommendation in one federal habeas action (*Victor Ortiz-Delvalle*); prepared for and presented

RECEIVED

OCT 25 2018

SC Court of Appeals

✓

oral argument before the South Carolina Court of Appeal in two direct appeal matters (*Ahshaad Owens* and *Teresa McCracken-Hall*); and prepared for and will present oral argument before the Fourth Circuit Court of Appeals in a federal habeas corpus matter on October 30, 2018 (*Matthew Jamison*).

2. Appellant has presented seven issues on appeal, and Respondent requires additional time to fully brief the grounds before the Court.

3. Due to her case load and the complexity of the appeal, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal and would request the additional time in order to do so.

4. This is the second request for an extension of time in which to file a response.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete 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

SUSANNAH R. COLE
Assistant Attorney General

BY: 
SUSANNAH R. COLE
SC Bar No. 68383

October 25, 2018
Columbia, South Carolina

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

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable R. Knox McMahon, Circuit Court Judge

RECEIVED
OCT 25 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES HEYWARD,

APPELLANT,

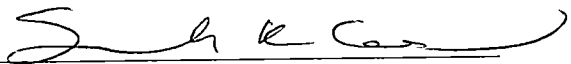
Appellate Case No. 2017-001542

CERTIFICATE OF SERVICE

I, Susannah R. Cole, certify that I have served Respondent's Motion for a Second Extension of Time on counsel for Appellant, by depositing two copies of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Robert M. Dudek, Chief Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 25th day of October, 2018



Susannah R. Cole
Assistant Attorney General
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

October 25, 2018

RECEIVED
OCT 25 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 vs. James Heyward
Appellate Case No. 2017-001542

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. I am informing opposing counsel of my request by copy of this letter.

Thank you for your assistance in this matter.

Sincerely,

SUSANNAH R. COLE
Assistant Attorney General

SC/ams

Enclosures

cc: Robert M. Dudek, Esq. (w/two copies of encls.)