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2nd RTD due 11/5/18

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
The Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2017-002447

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NOV 05 2018
SC Court of Appeals

THE STATE,

Respondent,

vs.

MITCHELL MONROE WEATHERALL,

Appellant.

**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, Monday, November 5, 2018, upon this Court's grant of Respondent's first request for an extension filed on October 4, 2018.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since October 4, 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. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Joshua Brandon Phillips, #335243 v. Warden of Turbeville Correctional Institution, C/A No: 9:18-2066-HMH-BM on October 19, 2018;

3. Counsel filed the Reply to Petitioner's Response to Respondent's Motion for Summary Judgment in the matter of Robert Lee, #348833 v. Warden of Perry Correctional Institution, C/A No. 8:18-cv-1921-HMH-JDA on October 30, 2018;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Elbert Wallace, #264322 v. Warden Randall Williams, C/A No: 0:18-cv-1837-DCN-PJG on November 2, 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, J. Falkner Wilkes, Esquire 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

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

November 5, 2018.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
The Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2017-002447

THE STATE,

Respondent,

vs.

MITCHELL MONROE WEATHERALL,

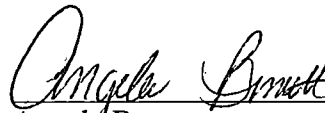
Appellant.

PROOF OF SERVICE

I, Angela Bennett, 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, J. Falkner Wilkes, Esquire, 114 Whitsett Street, Greenville, South Carolina 29601 .

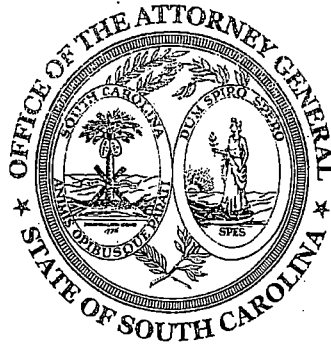
I further certify that all parties required by Rule to be served have been served.

This 5th day of November, 2018.



Angela Bennett
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

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SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

November 5, 2018

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NOV 05 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. Mitchell Monroe Weatherall*
Appeal from Horry County
Appellate Case No. 2017-002447

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, November 5, 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:ab

Enclosures

cc: J. Falkner Wilkes, Esquire
Victim Advocacy Division

✓