

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Oconee County
The Honorable R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2017-002282

THE STATE,

vs.

KENNETH STROTHER COLLINS,

Respondent

Appellant

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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, January 2, 2019, upon this Court's grant of Respondent's first request for an extension filed on November 29, 2018.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since November 29, 2018. several of those matters being in capital case litigation. Specifically, Respondent notes:

1. Counsel prepared for and participated in a telephone status conference held December 4, 2018, in the matter of Blackwell v. State of South Carolina, C/A No. 2018-CP-42-00928, a capital PCR action;

2. Counsel appeared before the Honorable William H. Seals, Jr. on December 21, 2018 in Horry County for a hearing on the objections to proposed order of dismissal in the matter of Stephen Corey Bryant v. State of South Carolina, C/A No. 2016-CP-43-828, a capital PCR action; and, counsel also subsequently prepared and submitted on December 28, 2018 a proposed order overruling the objections to the proposed order of dismissal;

3. Counsel prepared and submitted a motion to substitute party warden in Stephen Corey Bryant v. Stirling, C/A No. 9:16-1423-DCN-BM, a capital federal habeas action;

4. Counsel researched, prepared and filed a status report in federal court in Roshod Baker v. Warden Leroy Cartledge, C/A No. 2:15-489-BHH-MGB, a non-capital federal habeas action;

5. Counsel prepared and submitted the Proposed Final Order in the matter of Quincey McCoy v. State of South Carolina, C/A No.2014-CP-4452, a non-capital PCR action, on December 11, 2018;

6. Counsel prepared and submitted a letter in lieu of formal return to Appellant's Motion to Allow Late Filing in the matter of State v. Marcus Quante Todd, Appellate Case No. 2018-002024 on December 5, 2018;

7. Counsel participated in the drafting of the proposed order granting summary judgment in the State's favor in Abdiyyah Ben Alkebulanyahh v. State, C/A No. 2014-CP-07-2994, submitted on December 28, 2018;

8. Counsel is also currently working on other matters such as the Initial Brief of Respondent in the matter of State v. Kenneth Strother Collins, Appellate Case No. 2017-000082; and a brief to the federal court on unsealing of *ex parte* funding matters in a capital federal habeas action, Mikal D. Mahdi v. Stirling, C/A No. 8:16-3911-TMC-JDA due January 14, 2019.

This is in addition to counsel's supervisory duties for the unit's seven (7) other attorneys, which includes consultation and editing of various other pleadings and briefs within the last month.

Due to counsel's involvement in these and other matters pending in state and federal court, and her supervisory duties for the unit, 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.

Respondent has consulted with opposing counsel, David Alexander, Esq., who has graciously consented to this request.

WHEREFORE, in light of the foregoing, counsel for Respondent 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
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 

MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

January 2, 2019.
Columbia, South Carolina.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Oconee County
The Honorable R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2017-002282

THE STATE,

Respondent,

vs.

KENNETH STROTHER COLLINS,

Appellant

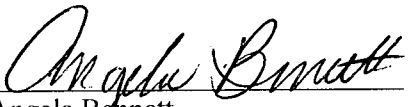
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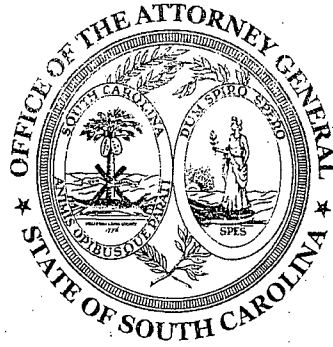
PROOF OF SERVICE

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, David A. Alexander, Esquire, 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 2nd day of January, 2019.


Angela Bennett
Legal Assistant to Melody J. Brown,
Senior Assistant Deputy Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

January 2, 2019

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

Re: *The State v. Kenneth Strother Collins*
Appeal from Oconee County
Appellate Case No. 2017-002282

Dear Ms. Kitchings:

Enclosed for filing in your office is the original and six (6) copies of Respondent's Motion for Second Extension of Time to File Initial Brief of Respondent and Designation of Matter along with the Certificate of Service in the above-referenced case

Thank you for your assistance in this matter.

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Sincerely,

JAN 02 2019

Angela Bennett SC Court of Appeals

Angela Bennett
Legal Assistant to Melody J. Brown
Senior Assistant Deputy Attorney General

MJB/ab
Enclosures

cc: David D. Alexander, Esquire
Victim Advocacy Division