

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
DeAndrea G. Benjamin, Circuit Court Judge

Appellate Case No. 2011-203569

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

JAMAAL HINSON,


RECEIVED

JAN 28 2013

APPELLANT

SC Court of Appeals

MOTION TO ENLARGE TIME FOR
FILING INITIAL BRIEF OF RESPONDENT

 The Respondent, above-named, hereby make a motion to this Court to extend the time for filing the Initial Brief of Respondent and Designation of Matter from January 28, 2013 for a period of thirty (30) days up to and including February 27, 2013. This is Respondent's second request for an extension. This request is due to the length of the record on appeal, intervening business events in state and federal court.

I.

Respondent has reviewed the transcript and prepared and outline of the trial testimony and the initial brief of appellant. However, due to intervening events, primarily the preparation for a death penalty state PCR hearing in Greenville set to begin this date, January 28, 2013, Respondent have been unable to complete the Initial Brief of Respondent. By copy of this

extension, prepared Sunday January 27, 2013, Respondent are informing opposing counsel Reid T. Sherard and Robert Dudek of this request.

II.

This request is due to Respondents' below-signed counsel have been involved in numerous litigation in both state and federal court during this time period which has prevented the completion of this brief in a sufficient and timely manner. These matters included preparation for an oral argument in State v. Johnnie Gaskins held January 8, 2013 before the Court of Appeals, filed Initial Brief of Respondent in State v. Jerome Campbell in the South Carolina Court of Appeals on December 27, 2012, filed a Return in the federal habeas matters of Michael A. Singleton v. Warden, on December 28, 2012; preparing a petition for writ of certiorari in State v. Jeremy McMillian (now due January 30); filed final brief of respondent in State v. Brockmeyer.

Respondent submits that he is also reviewing extensive pages of documents received on December 27, 2012 in a discovery dump on a thumbdrive received on December 27, 2012 in preparation for a death penalty PCR hearing in Christopher C. Williams v. State set for January 28, 2013 in Greenville before the Judge Welmaker which is expected to last the entire week according to information received this date, including a series of out of state witnesses from Seattle, Washington.

Respondent also filed a federal habeas return and brief in LaMont Cutner v. Warden (January 25, 2013); a brief in opposition waiver in the United States Supreme Court in Joseph P. Hudgins v. Warden in a federal habeas matter due January 22, 2013; an extended federal habeas return and brief in Aaron Pellum v. Warden filed January 28.

Therefore, Respondent requests an order granting leave to file an Initial Brief of

Respondent.

III.

Wherefore Respondents respectfully request an extension of a period of time of thirty (30) days up to and including February 27, 2013 to complete this Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

By: 

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January 27, 2013

33
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CERTIFICATE OF SERVICE


I, **Lonetta B. Brawley**, hereby certify that I have served the *Motion to Enlarge Time for Filing Initial Brief of Respondent* in the foregoing action by depositing in the United States mail, postage prepaid, to:

Reid T. Sherard, Esquire
NELSON MULLINS RILEY &
SCARBOROUGH LLP
P. O. Box 10084
Greenville, SC 29603-0084

and by Inter Agency Mail to:

Robert M. Dudek
Chief Attorney
S.C. Commission on Indigent Defense
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, SC 29201

This 28th day of January, 2013.



LONETTA B. BRAWLEY
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General