

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**RECEIVED**

MAR 20 2019

Appeal from Lexington County  
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

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**SC Court of Appeals**

THE STATE,

Respondent,

v.

MARION C. WILKES,

Appellant.

Appellate Case No. 2018-001556

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

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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 tomorrow, March 21, 2019 as per this Court's Order dated February 25, 2019 granting Respondent's first extension request.

The primary reason for the request is that undersigned counsel for Respondent has been out of the office on extended medical leave and currently is unable to work full days. Additionally, the undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 15, 2019. Specifically:

1. Counsel filed the Supplemental Brief of Respondent in the matter of The State vs. Jonathan Donnell Rhodes, Appellate Case No. 2015-002605, a Greenville County direct appeal matter on February 15, 2019;
2. Counsel filed the Respondent's Response to Motion for Court Injunction [ECF #18] in the matter of Daniel R. McClain, #268976 vs. State of South Carolina, C/A No. 0:18-3081-MBS-PJG, also on February 15, 2019;
3. Counsel filed the Return to Petition for Rehearing in the matter of The State vs. Ahshaad Mykiel Owens, Appellate Case No. 2016-000298, a Charleston County direct appeal matter on February 21, 2019;
4. Counsel filed the Final Brief of Respondent in the matter of The State vs. James Heyward, Appellate Case No. 2017-001542, a Richland County direct appeal matter, now pending in the South Carolina Court of Appeals on February 21, 2019;
5. Counsel filed Respondent's Reply to Objections to Report and Recommendation in the matter of Willie Ritter, #337044 vs. Aaron Joyner, Warden of Lee Correctional Institution, C/A No. 9:18-01508-TLW on February 25, 2019;
6. Counsel filed the Respondent's Response to Petitioner's Application for Certificate of Appealability in the matter of Bobby Joe Barton, #163629 vs. Scott Lewis, Warden, C/A No. 9:18-748-RBH-BM on February 28, 2019;
7. Counsel also filed the Respondent's Reply to Petitioner's Objections to Report and Recommendation in Bobby Joe Barton, #163629 vs. Scott Lewis, Warden, C/A No. 9:18-748-RBH-BM on February 28, 2019;

8. Counsel filed Respondent's Response in Opposition to Motion for Evidentiary Hearing [ECF #37] in the matter of Kendris Richard Brown, #355055 vs. Mr. Alan Wilson, C/A No. 5:18-3425-HMH-KDW on March 11, 2019;

9. Counsel filed the Respondent's Response to Motion for Court Injunction [ECF #21] in the matter of Daniel R. McClain, #268976 vs. State of South Carolina, C/A No. 0:18-3081-MBS-PJG on March 12, 2019;

10. Counsel filed the Final Brief of Respondent in the matter of The State vs. Henry James Fickling, Jr., Appellate Case No. 2018-000515, a Charleston County murder appeal matter now pending in the South Carolina Court of Appeals on March 18, 2019;

11. Counsel filed Respondent's Response to Motion for Copies [ECF #54] in the matter of Keith Adger Smyth, #363756 vs. Warden, Broad River Correctional Institution, C/A No. 0:18-1390-RBH-PJG today, March 20, 2019; and

12. Counsel filed Respondent's Supplemental Memorandum of Law in Support of Motion for Summary Judgment in the matter of Keith Adger Smyth, #363756 vs. Warden, Broad River Correctional Institution, C/A No. 0:18-1390-RBH-PJG also today, March 20, 2019.

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

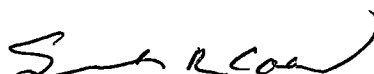
ALAN WILSON  
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DONALD J. ZELENKA  
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SUSANNAH R. COLE  
Assistant Attorney General  
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Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By:   
\_\_\_\_\_  
SUSANNAH R. COLE  
ATTORNEYS FOR RESPONDENT

March 20, 2019.

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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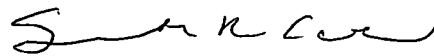
**PROOF OF SERVICE**

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I, Susannah R. Cole, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, H. Wayne Floyd, Esq., Wayne Floyd Law Office, P.O. Box 3972, West Columbia, South Carolina 29171-3972.

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

This 20<sup>th</sup> day of March, 2019.



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

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MAR 20 2019

**SC Court of Appeals**



ALAN WILSON  
ATTORNEY GENERAL

March 20, 2019

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

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MAR 20 2019

**SC Court of Appeals**

Re: *The State v. Marion C. Wilkes*  
Appeal from Lexington County  
Appellate Case No. 2018-001556

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second Motion for 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

SRC:dmd

Enclosures

cc: H. Wayne Floyd, Esq. (w/two copies of encls.)