

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Abbeville County
The Honorable Frank R. Addy, Jr., Circuit Court Judge

THE STATE,

Respondent,

v.

CHARLES TILLMAN,

Appellant.

Appellate Case No. 2018-000495

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

The undersigned counsel would respectfully request a fourteen (14) 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 to be filed today, May 31, 2019, upon this Court's grant of Respondent's third request for an extension filed on May 3, 2019. Counsel for Respondent has received approval from Appellant's counsel via email. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since May 1, 2019. Specifically:

1. Counsel prepared Respondent's Response in Opposition to Applicant's Motion for Summary Judgment in the matter of Louis M. Winkler, Jr. vs. State of South Carolina, Case

No. 2011-CP-26-03907, on Remand from Appellate Case No. 2014-000904, an Horry county capital matter on May 2, 2019;

2. Counsel filed Respondent's Motion to Alter or Amend Order Denying Relief Without Prejudice in the matter of Marquis Breeland, #298259 vs. Warden, Perry Correctional Institution, C/A No. 0:18-2152-JMC-PJG on May 7, 2019;

3. Counsel filed Respondent's Reply to Petitioner's Response in Opposition to Summary Judgment [ECF #36] in the matter of Jimmy Gallishaw, Jr., #341905 vs. Warden of Lee Correctional Institution, C/A No. 9:18-3253-MGL-BM on May 20, 2019;

4. Counsel attended a hearing in the matter of Louis Michael Winkler, Jr., #6027 vs. The State of South Carolina, C/A No. 2011-CP-11-03907, an Horry County capital matter which was before the Honorable Benjamin H. Culbertson in Horry County on May 29, 2019;

5. Counsel attended the status hearing regarding Applicant's Motions on Appointment of Independent Examiner and Appointment of Substitute Counsel before the Honorable William P. Keesley in the Sumter County capital matter of Bobby Wayne Stone, #5051 vs. State of South Carolina, Case No. 2018-CP-43-1025 on May 30, 2019; and

6. Counsel is currently preparing the Initial Brief of Respondent and Designation of Matter in this matter. Counsel for Respondent has significant difficulty obtaining the Transcript of Record in this matter due to the court reporter's change of employment.

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 fourteen (14) 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

SAMUEL M. BAILEY
Assistant Attorney General
S.C. Bar No. 103131

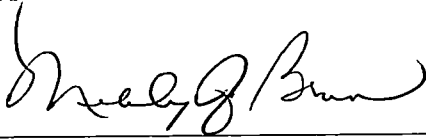
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
SAMUEL M. BAILEY

ATTORNEYS FOR RESPONDENT

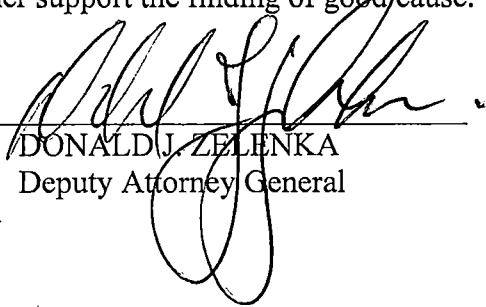
May 31, 2019.

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I further support the finding of good cause.

By: _____



DONALD J. ZELENIKA
Deputy Attorney General

STATE OF SOUTH CAROLINA

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PROOF OF SERVICE

I, **Samuel M. Bailey**, of counsel for the Respondent, certify that I have served two (2) copies of the within Motion for a Fourth Extension of time to file Initial Brief of Respondent and Designation of Matter via U.S. mail, postage prepaid, to his attorney of record, E. Charles Grose, Esq., The Grose Law Firm, LLC, 404 Main Street, Greenwood, South Carolina 29646.

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

This 31st day of May, 2019.


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



ALAN WILSON
ATTORNEY GENERAL

May 31, 2019

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

Re: *The State v. Charles Tillman*
Appeal from Abbeville County
Appellate Case No. 2018-000495

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Fourth Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

Samuel M. Bailey
Assistant Attorney General

SMB/dmd
Enclosures

cc: E. Charles Grose, Esq. (w/two copies of encls.)