

STATE OF SOUTH CAROLINA  
In the Court of Appeals

Appeal from Anderson County  
The Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

Respondent,

v.

JASON FRANKLIN CARVER,

Appellant.

Appellate Case No. 2017-002011

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

**RECEIVED**  
JUL 03 2019  
SC Court of Appeals

The undersigned counsel would respectfully request a seven (7) 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, July 3, 2019. Counsel for Respondent has received approval from Appellant's counsel via telephone. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since June 3, 2019. Specifically:

1. Counsel for Respondent was out of the office on annual leave from Monday, June 24, 2019 through Thursday, June 27, 2019;

2. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Millanyo Woody, #227810 vs. Warden, Lieber Correctional Institution, C/A No. 2:19-785-TMC-MGB on June 6, 2019;

3. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Charles Tillman, Appellate Case No. 2018-000495, an Abbeville County murder appeal matter now pending in the South Carolina Court of Appeals on June 14, 2019;

4. Counsel filed the Respondent's Response in Opposition to Petitioner's Motion to Set Aside Final Order [ECF #39], in the matter of Duane Harrison vs. Bryan Stirling, Commissioner, SCDC, and Kevin Ford, Acting Warden, Kershaw Correctional Institution, C/A No. 4:18-02373-CMC-TER on June 17, 2019;

5. Counsel filed the Final Brief of Respondent in the matter of The State vs. James Alfonza Biggs, III, Appellate Case No. 2018-000393, a Dorchester County murder appeal matter now pending in the South Carolina Court of Appeals on June 18, 2019;

6. Counsel prepared Respondent's Response in Opposition to Applicant's Motion to Alter or Amend 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 June 19, 2019;

7. Counsel also prepared Respondent's First Set of Interrogatories and First Set of Requests for Production of Documents in Louis M. Winkler, Jr. vs. State of South Carolina, Case No. 2011-CP-26-03907, on Remand from Appellate Case No. 2014-000904, also on June 19, 2019;

8. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Frederick L. Flowers, #352185 vs. Warden Joyner, C/A No. 8:19-00125-TMC-JDA on June 20, 2019;

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 seven (7) 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  
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By:   
SAMUEL M. BAILEY

ATTORNEYS FOR RESPONDENT

July 3, 2019.

STATE OF SOUTH CAROLINA  
In the Court of Appeals

Appeal from Anderson County  
The Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

Respondent,

v.

JASON FRANKLIN CARVER,

Appellant.

Appellate Case No. 2017-002011

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**PROOF OF SERVICE**

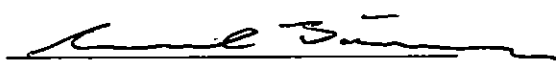
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I, **Samuel M. Bailey**, of counsel for the Respondent, certify that I have served two (2) copies of the within Motion for a Second Extension of time to file Initial Brief of Respondent and Designation of Matter via U.S. mail, postage prepaid, to his attorney of record, Donald L. Smith, Esq., Attorney Office of Donald L. Smith, 122 N. Main Street, Anderson, South Carolina 29621.

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

This 3<sup>rd</sup> day of July, 2019.

**RECEIVED**  
JUL 03 2019  
SC Court of Appeals

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



ALAN WILSON  
ATTORNEY GENERAL

July 3, 2019

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

Re: *The State v. Jason Franklin Carver*  
Appeal from Anderson County  
Appellate Case No. 2017-002011

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second 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: Donald L. Smith, Esq. (w/two copies of encls.)

**RECEIVED**  
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