

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
William Henry Seals, Jr., Circuit Court Judge

Appellate Case No. 2012-203487

STATE OF SOUTH CAROLINA,

Respondent,

v.

JAQUWN BREWER,

Appellant

**MOTION TO ENLARGE TIME FOR
FILING INITIAL BRIEF OF RESPONDENT
DESIGNATION OF MATTER**

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 February 19, 2013 for a period of thirty (30) days up to and including March 21, 2013.

I.

The Past Time Period

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 in the Charles C. Williams v. State death penalty PCR hearings held from January 28-January 31,

2013 (evidentiary hearings) and February 6, 2013 (closing arguments) in Greenville, South Carolina before Judge Edward Welmaker. Below-signed counsel was exclusively involved in the presentation of each witness in the case, as well as the argument this date.

In this time period, Respondent's counsel court activities included filing a federal habeas corpus return and memorandum of law in LaMont Cutner v. Warden (filed January 25, 2013); reviewed and filed a waiver of a brief in opposition in the United States Supreme Court in Joseph P. Hudgins v. Warden in a federal habeas matter due January 22, 2013; filed a federal habeas corpus return and memorandum of law in Aaron Pellum v. Warden on January 28, as prepared for filing on January 27, 2013; filed a court-ordered response to a Rule 60 motion in Robert Isom v. Warden in federal court; filed a court-ordred response in federal court in Andre Auls v. Warden on February 4, 2013; assisted in oral argument preparation for co-counsel in State v. Michael Marin (Court of Appeals)(February 4, 2013)(Russell Ghent) and State v. Steven Barnes (death penalty) (S.C.S.Ct.) (February 5, 2013) (Melody Brown); filed a return and memorandum of law in McKenzie Shelton v. Warden on February 13, 2013; travel to Atlanta, Georgia and deposition of Dr. Helen Mayberg in the Steven Bixby v. State DP PCR case on February 11-12, prepraing to file a federal habeas return and brief due in Richard Crawford v. Warden (due this date February 19, 2013); and filed a return to motion to remand in a Death penalty PCR appeal in Marion Bowman v. State on February 19, 2013.

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

II.

Counsel is advising opposing counsel James Brown of this request by copy of this motion.

III.

Wherefore Respondents respectfully request an extension of a period of time of thirty (30) days up to and including March 21, 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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February 19, 2013

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CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served Respondents **Motion to Enlarge**

Time for Filing Return to Certiorari on:

James A. Brown, Jr., Esquire
Law Offices of Jim Brown, P.A.
P.O. Box 592
Beaufort, South Carolina 29901

by depositing a copy in the Mail with sufficient postage this 19th day of February, 2013.



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General