

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Cherokee County
J. Mark Hayes, II, Circuit Court Judge

THE STATE,

Respondent,

v.

WILLIAM D. PENNINGTON,

Appellate Case No. 2018-001619

RECEIVED
JAN 15 2020
Appellant
SC Court of Appeals

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

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter, which is currently due to be filed on Tuesday, January 21, 2020. Counsel for Appellant has graciously consented to this extension request. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel for Respondent would respectfully show unto the Court the following:

Undersigned counsel has been scheduled to complete a number of state and federal matters within the past 30 days that include, but are not limited to, the following: the filing of the complete state court record in the capital federal habeas corpus matter of Stephen Stanko vs. Stirling, et al., C/A No. 1:19-03257-RMG-SVH (December 19, 2019); the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Melinda

Richmond vs. Patricia Yeldell, Warden, C/A No. 0:19-2689-BHH-PJG, also pending the United States District Court for the District of South Carolina (December 23, 2019); the Reply to Petitioner's Response in Opposition to the Return and Memorandum in Support of Summary Judgment in the capital federal habeas corpus matter of Quincy J. Allen, #6019 vs. Willie D. Davis, Warden, C/A No. 0:18-1544-DCC-PJG (December 30, 2019), and Respondent's Motion to Strike in that same case (January 7, 2020); and the Response in Opposition to Applicant's Motion to Alter or Amend in the non-capital post-conviction relief matter of Gonzales Reese Wardlaw vs. State of South Carolina, 2015-CP-32-02990, pending in the South Carolina Court of Common Pleas for the Eleventh Judicial Circuit (January 2, 2020). Currently, counsel for Respondent is preparing the Initial Brief of Respondent in the matter of The State vs. William C. (Billy) Sellers, Appellate Case No. 2018-001667, an Edgefield County non-capital murder appeal now pending in this Court, and which is presently on a second extension of time in which to complete the Initial Brief.

Due to counsel's involvement in these and other matters in state and federal court, counsel is unable to complete the Initial Brief of Respondent in this action prior to the due date prescribed. This request is made in good faith, and not for the purposes of delay. Thus, counsel respectfully requests a thirty (30) day extension of time to allow counsel to complete the Initial Brief of Respondent. This is counsel's second request for additional time to do so.


WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete 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

CAROLINE SCRANTOM
Assistant Attorney General

By: 
CAROLINE SCRANTOM
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ATTORNEY FOR RESPONDENT

January 15, 2020
Columbia, South Carolina

STATE OF SOUTH CAROLINA
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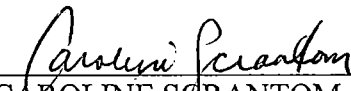
Appellate Case No. 2018-001619

PROOF OF SERVICE

I, Caroline Scrantom, certify that I have served Respondent's Motion for a Second Extension of Time to file Initial Brief of Respondent and Designation of Matter by depositing two (2) copies of the same in the United States mail, postage prepaid, to counsel for Appellant, addressed as follows:

Adam S. Ruffin, Esq.
SCCID/Division of Appellate Defense
1330 Lady Street, Suite #401
Columbia, South Carolina 29201

This 15th day of January, 2020.



CAROLINE SCRANTOM
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ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

January 15, 2020

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


Re: *The State v. William D. Pennington*
Appeal from Cherokee County
Appellate Case No. 2018-001619

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.

Thank you for your assistance in this matter.

Sincerely,


Caroline Scrantom
Assistant Attorney General

CS:dmd
Enclosures
cc: Adam S. Ruffin, Esq. (w/two copies of encls.)

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