

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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THE STATE,

v.

WILLIAM D. PENNINGTON,

**RECEIVED**  
Respondent,  
FEB 19 2020  
SC Court of Appeals

Appellant

Appellate Case No. 2018-001619

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

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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 tomorrow, Thursday, February 20, 2020. Counsel for Appellant has graciously consented to this extension request. This is Respondent's third 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 Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of William Seabrook, #364821 vs. Warden Kendall, C/A No. 4:19-3092-MGL-TER, a federal habeas matter pending the United States District Court for the District of South Carolina

(January 24, 2020); the Response in Opposition to Motion for Default Judgment [ECF #27] in the matter of Clark D. Thomas, #187845 vs. McKendley Newton, Jr., Warden of Allendale Correctional Institution, and Alan M. Wilson, Attorney General of South Carolina, C/A No. 2:19-3179-MBS-MGB, another federal habeas corpus matter (January 24, 2020); counsel filed the Final Brief of Respondent in the matter of The State vs. Richard Passio, Jr., Appellate Case No. 2018-001488, a Jasper County murder appeal matter now pending in this Court (February 10, 2020); counsel filed 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 also pending in this Court on (February 18, 2020); and the Final Brief of Respondent in the matter of The State vs. Meleke D. Stewart, Appellate Case No. 2018-001916, an Horry County murder appeal matter (February 18, 2020). Currently, counsel is preparing the Returns and Memoranda of Law in Support of Motions for Summary Judgment in the matters of Bradley Gerald Mullins vs. Attorney General Office, C/A No. 0:19-3017-JMC-PJG, due to be filed Friday, February 21, 2020, and in Clark D. Thomas, #187845 vs. McKendley Newton, Jr., Warden of Allendale Correctional Institution, and Alan M. Wilson, Attorney General of South Carolina, C/A No. 2:19-3179-MBS-MGB, which is currently due to be filed on Monday, February 24, 2020. Counsel is also scheduled to appear for a hearing in Anderson County before The Honorable R. Scott Sprouse in the matter of Anthony Clark Odom vs. State of South Carolina, Case No. 2019-CP-37-0376 on Friday, February 21, 2020.

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 third 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

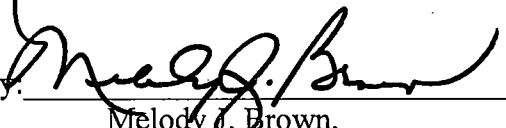
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

CAROLINE SCRANTOM  
Assistant Attorney General

By:   
CAROLINE SCRANTOM  
S.C. Bar No. 101357  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305  
ATTORNEY FOR RESPONDENT

February 19, 2020  
Columbia, South Carolina

I support the finding of good cause.

By:   
Melody C. Brown,  
Senior Assistant Deputy Attorney General

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Appellant


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PROOF OF SERVICE

I, **Caroline Scrantom**, certify that I have served Respondent's Motion for a Third 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 19<sup>th</sup> day of February, 2020.

  
CAROLINE SCRANTOM  
S.C. Bar No. 101357  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON  
ATTORNEY GENERAL

February 19, 2020

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

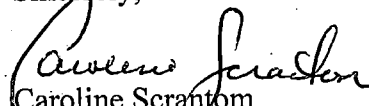
Re: *The State v. William D. Pennington*  
Appeal from Cherokee County  
Appellate Case No. 2018-001619

Dear Ms. Kitchings:

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

**RECEIVED**  
FEB 19 2020  
SC Court of Appeals