

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
COURT OF GENERAL SESSIONS

R. Lawton McIntosh, Circuit Court Judge

Case No.: 2011-GS-04-1022
2010-GS-04-2259
2010-GS-04-2260

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MAY 06 2013

Raphael Davon Parks.....Appellant,

SC Court of Appeals

v.

State of South Carolina.....Respondent.

SECOND MOTION FOR AN EXTENSION OF TIME

Comes now the undersigned attorney, William N. Epps III, who hereby moves for an extension of time in which to file Appellant's initial brief in accordance with Rule 208, SCACR. This Motion is based on the following grounds which support a showing of good cause. First, the undersigned attorney was not counsel of record for the Appellant during the immunity hearing that is the subject of this appeal. Additionally, my recent schedule in the Court of General Sessions prevented me from being able to devote sufficient time to fully prepare the Appellant's initial brief.

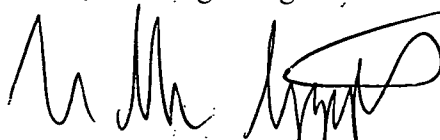
I have recently been engaged in preparation for two trials in the Court of General Sessions in Anderson County involving serious criminal charges. In State v. Devin Nimmons, trial was scheduled for April 22, 2013. Defendant Nimmons was charged with burglary first degree, armed robbery and kidnapping. As trial counsel for Defendant Nimmons, I was involved in vigorous preparation for his April 22nd trial, which ultimately resulted in a guilty plea the day of trial. However, prior to the guilty plea, I fully expected to go forward with a jury trial. Additionally, I was scheduled for trial in the case of State v. Charlie Robinson on May 13, 2013. I represented the Defendant Robinson in that case, who was charged with murder, armed robbery and possession of a weapon during a violent crime. Due to the serious nature of the charges that were pending against Defendant Robinson and the severity of the possible sentences that might be imposed against him, my staff and I devoted an extensive amount of time to the preparation of his case. This case resulted in a guilty plea involving a recommended range for sentencing by the State. Therefore, most of the week prior to Defendant Robinson's guilty plea was devoted to

preparation for the sentencing phase of the guilty plea. These two cases required a great amount of time for preparation which, in turn, precluded me from devoting that time to the preparation of the Appellant's brief in this appeal.

The Order granting the Appellant's initial request for extension of time was filed on April 29, 2013 and received by my office on April 30th. The Order provides that the Appellant's initial brief and designation of matter is currently due on May 6, 2013, only six days after receipt of the Order by my office. The undersigned is currently preparing the initial brief. However, due to my aforementioned schedule in the Court of General Sessions and the preparation required in those cases as well as the fact that I did not represent the Appellant in the underlying action, I have been unable to fully prepare Appellant's initial brief by May 6, 2013. Therefore, pursuant to the Supreme Court's Order from March 18, 2009 regarding extension requests in criminal direct appeals which was referenced in the Order filed April 29, 2013 granting the Appellant's initial request for an extension for time to file and serve the initial brief in this case, the undersigned attorney would ask for a second extension of thirty (30) days to file and serve the Appellant's initial brief and designation of matter. I have spoken to opposing counsel, Don Zelenka and he has no objection to this extension of time.

Therefore, the undersigned attorney, William N. Epps III, respectfully requests a second extension of time for an additional thirty (30) days in which to file the Appellant's initial brief pursuant to Rule 208, SCACR. This Motion for extension of time is made pursuant to Rule 263, SCACR and the Supreme Court's Order from March 18, 2009 regarding extension requests in criminal direct appeals.

May 2, 2013



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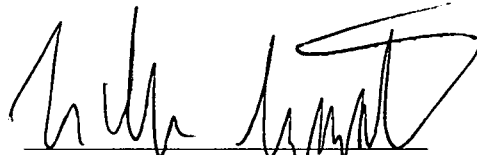
v

State of South Carolina.....Respondent,

PROOF OF SERVICE

I certify that I have served the Second Motion for Extension of Time, on Rame L. Campbell, Assistant Solicitor for the State of South Carolina, Joshua B. Allen Assistant Solicitor for the State of South Carolina and Don Zelenka, Senior Assistant Deputy Attorney General by depositing a copy of it in the United States Mail, with postage prepaid, on May 3, 2013 addressed to Rame L. Campbell, Assistant Solicitor for the State of South Carolina, Joshua B. Allen, Assistant Solicitor for the State of South Carolina, Post Office Box 8002, Anderson, South Carolina and Don Zelenka, Senior Assistant Deputy Attorney General, 1000 Assembly Street, Columbia, SC 29201.

May 3, 2013



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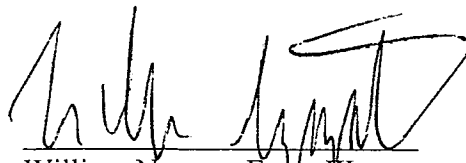
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May 3, 2013



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WILLIAM N. EPPS, JR.
SAMANTHA P. NELSON
WILLIAM N. EPPS, III
CLIFTON M. SAMS

**Also Admitted in Georgia*

May 3, 2013

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

Re: The State vs. Raphael Davon Parks
2011-GS-04-1022
2010-GS-04-2259
2010-GS-04-2260
Our File No.: CR12-2286

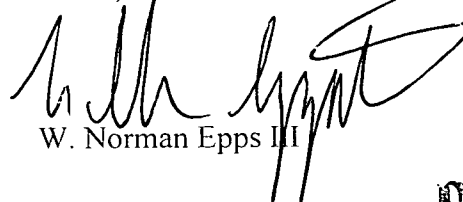
Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Second Motion for Extension of Time to file Appellant's Initial Brief and Designation of Matter to be included in the Record on Appeal and the original and (1) copy of my Proof of Service in regards to the above referenced matter.

With kind regards, I am

Sincerely yours,

EPPS, NELSON & EPPS



W. Norman Epps III

WNEIII:ac

cc: Rame L. Campbell, Assistant Solicitor
Joshua B. Allen, Assistant Solicitor
Don Zelenka, Senior Assistant Deputy Attorney General

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