

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Edgefield County
R. Knox McMahon, Circuit Court Judge

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MAY 08 2013
SC COURT OF APPEALS

The State of South Carolina,

Respondent,

v.

Julio Angelo Hunsberger,

Appellant,

Appellate Case No.: 2012-207290.

**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. This is Respondent's second request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent has been scheduled for a number of state and federal matters in the last thirty (30) days, that include, but are not limited to, the following: prepared and filed a return to petition for writ of certiorari in a non-capital murder direct appeal in the Supreme Court of South Carolina (*Jamel Dwayne Good*); prepared and filed objections to report and recommendation in a federal habeas action (*Rodney Murray*); prepared and filed a response in opposition to motion to produce documents in another federal habeas action (*Willie Chapman*); prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Wayne Bell*); prepared for and attended a deposition of trial counsel, and prepared and submitted a proposed order in regard to a motion to

compel, in a capital post-conviction relief case (*William Dickerson*); prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Thomas Evans*); prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas case (*Leroy Folkes*); prepared and filed a return to petition for writ of certiorari in another non-capital murder case in the Supreme Court (*Danny Ryant*); prepared and filed a response to a motion for the court to withdraw from presiding, and a motion for abeyance, in the above referenced capital post-conviction relief case (*William Dickerson*); prepared and filed a Return to Petition for Writ of Certiorari in another non-capital murder direct appeal in the Supreme Court of South Carolina (*Derrick McDonald*) prepared and filed a Return to Petition for Writ of Certiorari in another non-capital murder direct appeal in the Supreme Court of South Carolina, (*Christopher Whitehead*); prepared and filed another Return and Memorandum of Law in Support of Motion for Summary Judgment in another federal habeas corpus case (*Dexter Sentell Tucker*); prepared and filed a Reply to Response in Opposition to Motion for Summary Judgment in another federal habeas case (*Thomas Evans*); and, prepared and provided opposing counsel with a proposed order regarding deposition costs in another capital post-conviction relief action (*Steven Bixby*). Counsel is also currently completing another return and memorandum of law in support of motion for summary judgment for filing tomorrow in the federal habeas action filed by *Willie Chapman*. This Court has also called for returns to two (2) petitions for rehearing in the recently decided cases of *State v. Boone* and *State v. Patterson*, which counsel is also preparing.

2. Due to her heavy case load, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal.

3. This is the second request for an extension of time in which to file a response.

THEREFORE, 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,

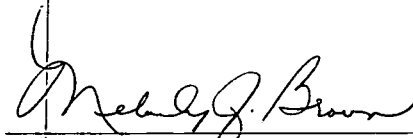
ALAN WILSON
Attorney General

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BY:



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May 8, 2013.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

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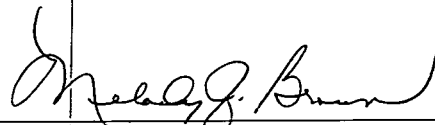
Appellate Case No.: 2012-207290.

PROOF OF SERVICE

I, Melody J. Brown, certify that I have served Respondent's Motion for a Second Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Kathrine H. Hudgins, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 8th day of May, 2013.



MELODY J. BROWN
S.C. Bar No. 14244

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ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

May 8, 2013

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

Re: The State v. Julio Angelo Hunsberger
Appeal from Edgefield County
Appellate Case No. 2012-207290

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondent's Motion for Second Extension of Time to file Initial Brief of Respondent and Designation of Matter, dated, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter. Please call this office if you need any additional information.

Sincerely,

Melody J. Brown
Senior Assistant Attorney General

MJB/mv

cc: Kathrine H. Hudgins, Appellate Defense

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