

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Edgefield County
Clifton Newman, Circuit Court Judge

RECEIVED

MAY 15 2013

SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Alexander L. Hunsberger,

Appellant,

Appellate Case No.: 2012-206608.

**MOTION FOR THIRD 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 third 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: filed and served a return and memorandum of law in support of motion for summary judgment in a 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 a 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 a return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Dexter Sentell Tucker*); prepared and filed a reply to response in opposition to motion for summary judgment in one of the listed federal habeas actions (*Thomas Evans*); prepared and submitted a proposed order regarding deposition costs in another capital post-conviction relief action (*Steven Bixby*); prepared and filed a return and memorandum of law in support of motion for summary judgment, and a response in opposition to motion for appointment of counsel, in another federal habeas action (*Willie Chapman*); prepared and filed a return to petition for rehearing at the request of this Court in another non-capital murder direct appeal (*Andre Tayson Boone*); and, prepared and filed a return to petition for rehearing at the request of this Court in another non-capital murder direct appeal (*Eugene Patterson*). Counsel is currently preparing a return to motion for stay of execution and appointment of counsel pending in federal District Court in a capital case (*Brad Sigmon*). The federal court has shortened the response time and ordered Respondent submit the response by Thursday, May 16, 2013.

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 third request for an extension of time in which to file a response. Respondent is cognizant of the amount of time requested at this stage of the proceedings, and will continue to work diligently within the time requested in this extension.

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.

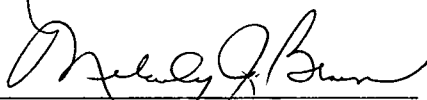
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

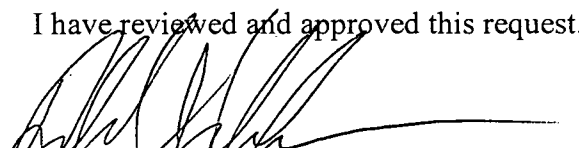
MELODY J. BROWN
Senior Assistant Attorney General

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

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

May 15, 2013.
Columbia, South Carolina.

I have reviewed and approved this request.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Florence County
Clifton Newman, Circuit Court Judge

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SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Alexander L. Hunsberger,

Appellant,

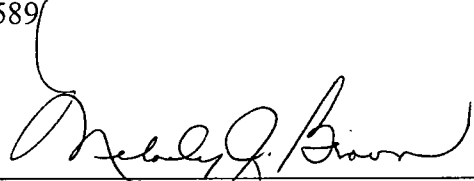
Appellate Case No.: 2012-206608.

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:

Susan B. Hackett, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 15th day of May, 2013.



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

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(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

May 15, 2013

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SC Court of Appeals

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

Re: The State v. Alexander L. Hunsberger
Appeal from Edgefield County
Appellate Case No. 2012-206608

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondent's Motion for Third 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
Enclosures

cc: Susan B. Hackett, Appellate Defender