

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Writ of Certiorari to the Court of Appeals
Appeal from Colleton County
Honorable Perry M. Buckner, Circuit Court Judge
Appellate Case No. 2011-195886

THE STATE,

Respondent,

vs.

DESMOND JAVON SAMS,

Petitioner.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE BRIEF OF RESPONDENT**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Brief of Respondent is due to be served and filed on May 20, 2013.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a third extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this Brief on time. In the past few weeks, the undersigned has participated in oral argument at this

Court in State v. Clarence Logan, Jr. and State v. Paris Genici Avery, has participated in oral argument at the Court of Appeals in State v. Anthony Marquese Martin, State v. Travell Hill, State v. Michael Milledge, State v. Ronald Lee McCauley, and State v. Darren Gerome Scott, has submitted Initial Briefs of Respondent to the Court of Appeals in State v. Johnson, State v. Wilson, State v. House, and State v. Robinson, has filed a Petition for Rehearing in the Court of Appeals in State v. Martin, and has filed a Return to Petition for Certiorari in this Court in State v. Aiken.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required significant research because Petitioner presents a significant jury charge issue on appeal. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Brief of Respondent.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Brief of Respondent in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

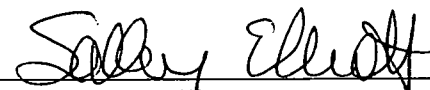
ALAN WILSON
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By: 
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May 20, 2013

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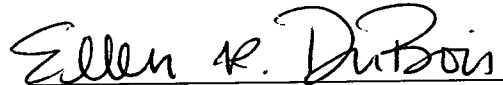
Petitioner.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Brief of Respondent on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Susan B. Hackett, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 20th day of May, 2013.



ELLEN R. DuBOIS
Legal Assistant

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