

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Chesterfield County  
The Honorable J. Michael Baxley, Circuit Court Judge  
Appellate Case No. 2013-000148

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THE STATE OF SOUTH CAROLINA,

APPELLANT,

v.

GRAHAM FRANKLIN DOUGLAS,

RESPONDENT.

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MOTION FOR FOURTH EXTENSION TO FILE INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER

RECEIVED

MAY 22 2013

SC Court of Appeals

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The undersigned counsel would respectfully request a twelve (12) day extension in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Appellant's Initial Brief is due today, May 22, 2013, based upon this Court's grant of Appellant's third request for an extension filed on April 29, 2013.

The undersigned attorney for the Appellant has had a number of state and federal matters to attend to since April 22, 2013. Specifically, counsel prepared and filed the Returns and Memoranda of Law in Support of Motion for Summary Judgment in the matters of Lewis Welsh, #312256 vs. Warden Leroy Cartledge, C/A No. 4:13-296-GRA-TER; Curtis Price, #303786 vs. Warden, McCormick C.I., C/A No.: 8:13-700-RMG-JDA; and Kevin A. Reilly, #311763 vs. Larry Cartledge, Warden of Perry Correctional Institution, C/A No. 0:12-3503-SB-PJG; all federal habeas actions pending before the United States District Court for the District of South

Carolina. Counsel is also today filing the Motion for Summary Judgment, Return and Memorandum of Law in Support of Motion for Summary Judgment in Terrance V. Smith, #292962 vs. Warden M. McCall, C/A No. 1:13-722-DCN-SVH, another federal habeas action pending before the United States District Court for the District of South Carolina.

Counsel also reviewed the files and is in the process of finalizing for filing the Motion for Summary Judgment, Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Richard A. Jefferson, #162896 vs. Warden, Lee Correctional Institution, C/A No. 8:13-593-JFA-JDA, a federal habeas action that is also pending before the United States District Court for the District of South Carolina. Counsel intends to file this Motion and Return tomorrow, May 23, 2013.

Counsel has also completed his research and has drafted significant portions of the Initial Brief of Respondent in the Greenville County murder case of State v. Julian Deandre Battle, pending before this Court. Counsel has also reviewed the transcript and drafted significant portions of the Initial Brief of Respondent in State vs. Jerome Miller, an appeal in a Beaufort County murder case now also pending before this Court.

Counsel was out of the office on May 14, 2013 and May 15, 2013 attending a Federal Habeas Training Seminar in Little Rock, Arkansas.

Counsel has reviewed the transcript, substantially completed his research and has drafted significant portions of the Initial Brief of Appellant in this matter. However, counsel needs additional time to complete the Initial Brief. However, due

to these and counsel's involvement in other matters pending in state and federal court, counsel was unable to complete the Initial Brief of Appellant and Designation of Matter in this case. This request is made in good faith, and not for the purposes of delay. Counsel has consulted with opposing counsel about this extension request, and opposing counsel has indicated that he has no objection. In order to avoid any future delays in the completion of this matter, counsel for Appellant anticipates finishing this Brief over the course of the next few days.

WHEREFORE, premises considered, counsel hereby respectfully requests a twelve (12) day extension of time to serve and file the Initial Brief of Appellant and Designation of Matter.

Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. MCINTOSH  
Deputy Attorney General


DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.  
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BY: 

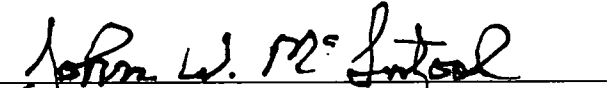
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ALPHONSO SIMON, JR.,  
Assistant Attorney General

BY:

  
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

I support the finding of good cause.

By:

  
JOHN W. MCINTOSH  
Deputy Attorney General

ATTORNEYS FOR APPELLANT

May 22, 2013.

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THE STATE OF SOUTH CAROLINA,

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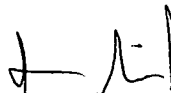
**PROOF OF SERVICE**

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I, Alphonso Simon, Jr., of Counsel for the Appellant, hereby certify that I have served two (2) copies of the within Motion for Fourth Extension to File Initial Brief of Appellant and Designation of Matter via United States Mail, first class, postage prepaid to his attorney of record, S. Jahue Moore, Sr., Esq., Moore, Taylor & Thomas, P.A., P.O. Box 5709, West Columbia, South Carolina 29171

I further certify that all parties required by Rule to be served have been served.

This 22<sup>nd</sup> day of May, 2013.



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