

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Richland County
The Honorable G. Thomas Cooper, Circuit Court Judge
Appellate Case No. 2012-209426

RECEIVED
MAY 29 2013
SC COURT OF APPEALS

THE STATE,

Respondent,

vs.

HENRY GRAY,

Appellant.

**MOTION FOR SECOND EXTENSION OF TIME
TO FILE INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. This is Respondent's second extension request. Respondent's Initial Brief is due to be served and filed today, May 29, 2013, this Court having granted Respondent's first request for an extension filed on May 1, 2013.

Pursuant to the Supreme court's order dated March 18, 2009, the undersigned counsel for Respondent has been scheduled for a number of state and federal matters since April 29, 2013, that include, but are not limited to, the following:

1. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Lamar A. Graves, #272024 vs. Warden, Allendale C.I., C/A No. 0:12-3574-GRA-PJG* on April 29, 2013;

2. Counsel prepared Respondent's Response Opposing Motion to Compel [Doc. #45] in the matter of *Marrion Franklin, #222409 aka Marion Franklin vs. Michael McCall, Warden*, C/A No. 8:12-2331-GRA-JDA, also on April 29, 2013;

3. Counsel prepared Respondent's Response in Opposition to Motion for Relief from Judgment in the matter of *David Ceasar, #217220 vs. A. Padula, Warden*, C/A No.: 0:12-316-MGL-PJG on May 1, 2013;

4. Counsel was out of the office on sick leave on Friday, May 3, 2013 and Monday, May 6, 2013;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Theodore Davis, Jr., #217549 vs. Warden, BRCI*, C/A No. 0:13-109-DCN-PJG on May 8, 2013;

6. Counsel prepared the Final Brief of Respondent in the Spartanburg County direct appeal matter of *The State vs. Charvus Tarrel Nesbitt* on May 15, 2013;

7. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Joseph G. Heyward, #238182, a/k/a Joseph George Heyward vs. Warden of Ridgeland Correctional Institution*, C/A No. 2:13-0340-DCN-BHH on May 16, 2013;

8. Counsel prepared the Initial Brief of Respondent in the Charleston County murder appeal matter of *The State vs. Gregory Gathers* on May 28, 2013;

9. Counsel also prepared Respondent's Response Opposing Motion for Appointment of Counsel in the matter of *Lamar A. Graves, #272024 vs. Warden, Allendale C.I.*, C/A No. 0:12-3574-GRA-PJG also on May 28, 2013; and

10. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Frank Furtick, Jr., #231663 vs. Warden of Lee C.I., C/A No. 8:13-79-MGL-JDA.*

Due to these reasons, counsel was unable to properly prepare the Initial Brief of Respondent and Designation of Matter in this case in a timely fashion and requests an extension. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully Submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
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By: 

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General

ATTORNEYS FOR RESPONDENT

May 29, 2013.

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STATE OF SOUTH CAROLINA
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THE STATE,

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PROOF OF SERVICE

I, William Edgar Salter, III, do hereby certify that on this date, I served the *Motion for Second Extension of Time to File Initial Brief of Respondent and Designation of Matter* in the foregoing action on counsel for the Appellant by depositing two (2) copies of the same in the United States mail, first-class postage prepaid, and addressed as follows:

David Alexander, Esq.
SCCID/Division of Appellate Defense
1330 Lady St., Ste. #401
Columbia, SC 29201-3332

This 29th day of May, 2013.

By: 
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
ATTORNEYS FOR RESPONDENT



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MAY 29 2013
SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

May 29, 2013

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

Re: Second Extension Request
The State v. Henry Gray
Appeal from Richland County
Appellate Case No. 2012-209426

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, May 29, 2013. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Extension to File Initial Brief of Respondent and Designation of Matter. I am informing opposing counsel of my request by copy of this letter.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES:dmd

Enclosures

cc: David Alexander, Esq. (w/two (2) copies of encls.)