

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County
W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2011-199366

THE STATE,

RESPONDENT,

v.

DANIEL D'ANGELO JACKSON,

APPELLANT

**RESPONDENT'S MOTION TO EXTEND FILING OF
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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The Respondent, above-named, hereby make a motion to this Court to extend the time for filing the Initial Brief of Respondent and designation of matter until July 7, 2013. This third request is due to the length of the record on appeal (1263 pages), intervening business and unexpected events in state and federal court. The Appellant has a co-defendant, Reginald Cantey, on a third extension due today also.

The Priorities

Respondents have reviewed the matters and establish the following priorities for the next thirty days if this extension request is granted absent extraordinary intervening events:

1. Charles C. Williams v. State - Death Penalty PCR Post-Hearing Briefing - Judge Welmaker (currently due June 10, 2013).

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2. State v. Reginald Canteley (4th Extension requested to July 7, 2013)
3. State v. Daniel Jackson (3rd extension requested to July 7, 2013).
4. State v. Lamar Williams, Initial Brief of Respondent (1st extension) - June 12, 2013.
5. Albert Scruggs v. Warden - federal habeas corpus - court ordered response to rule to show cause - June 10, 2013.

Respondents below-signed counsel is confident that these priorities can be met absent unexpected extraordinary circumstances and utilization of evenings and weekend work without further extension requests.

I.

The Past Time Period

This request is due to Respondents' below-signed counsel have been involved in numerous litigation in both state and federal court during this time period which has prevented the completion of this brief in a sufficient and timely manner: filed filed habeas corpus return and brief in Patrick P. Bryant v. Warden on May 6, 2013; prepared and argued in S.C. Court of Appeals in State v. Christopher Murray - oral argument May 7, 2013; prepared and argued State v. Andre Richardson - oral argument May 14, 2013 (S.C. Court of Appeals); prepared and argued State v. William Brockmeyer - oral argument May 15, 2013 (South Carolina Supreme Court).

In addition, counsel filed in State v. Raphael Parks - memorandum of appealability due May 13, 2013 (SCCOA); and initial brief of respondent in State v. Lamar Williams (May 13, 2013); reviewed and joined on behalf of State Bond v. U.S. - U.S. Supreme Court - amicus brief

matter (May 13, 2013); filed an Initial Brief of Respondent in State v. Jacqyn Brewer; filed federal habeas return and response in Travis Williams v. Warden (extended) (May 22, 2013); filed Final Brief of Appellant in State v. Antrell Felder; filed federal habeas return and response in Ibrahim Hameen v. Warden (May 28, 2013); filed federal habeas return and response in Joshua Jeter v. Warden (May 29, 2013) (extended); and made waiver of brief in opposition on certiorari in the United States Supreme Court in Tommy Young v. South Carolina on June 3, 2013.

The Next Thirty Days

Respondent currently has due in the next thirty days the following: Charles Williams v. State, death penalty PCR post-hearing memorandum of law - June 10, 2013; State v. Victor White, Initial Brief of Respondent - June 10, 2013 (no extensions yet); Albert Scruggs v. Warden - federal habeas corpus - court ordered response to rule to show cause - June 10, 2013; State v. Lamar Williams, Initial Brief of Respondent (1st extension) - June 12, 2013; John Garvin v. Warden - court ordered federal habeas response - June 14, 2013; Marcellus Knuckles v. Warden - federal habeas corpus response and memorandum of law - June 14, 2013; Ismail Cruz v. Warden - federal habeas corpus response and memorandum of law - June 14, 2013; Joshua Jeter v. Warden - federal habeas corpus - response to motion to stay and amend - June 24, 2013; State v. Reginald Cantey (4th Extension requested to July 7, 2013); State v. Daniel Jackson (3rd extension requested to July 7, 2013); Lisa Ramirez v. Warden - federal habeas corpus return and memorandum - due July 8, 2013.

Counsel has contacted the office of opposing counsel, Appellate Defender Carmen V. Ganjehsani.

III.

Wherefore Respondents respectfully request an extension of a period of thirty days up to and including July 7, 2013 to complete this Initial Brief of Respondent upon a showing of good

cause for the request.

Respectfully submitted,


ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
S.C. Bar #5758

ATTORNEYS FOR RESPONDENT

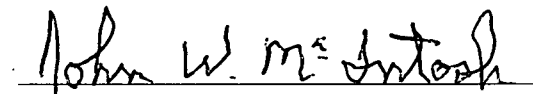
By: _____



Donald J. Zelenka
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
803-734-6305

June 8, 2013

I concur that good cause has been shown:



John W. McIntosh
Chief Deputy Attorney General

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CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served Respondents **Motion to Enlarge**

Time for Filing Initial Brief of Respondent by Intra-Agency mail on:

Ms. Carmen V. Ganjehsani, Esquire
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

by depositing a copy in the Intra-Agency Mail this 7th day of June, 2013.


DONALD J. ZELENKA

Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

June 7, 2013

Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Daniel D'Angelo Jackson
Appellate Case No. 2011-199366

Dear Ms. Kitchings:

Enclosed please find a Motion to Enlarge Time for Filing Initial Brief of Respondent in the above-referenced case for filing. By copy of this letter, I am serving opposing counsel with same.

Thank you for your consideration.

Sincerely,

Lonetta B. Brawley
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General

/lbb
Enclosure

cc: Carmen V. Ganjehsani, Esquire

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