

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Georgetown County
The Honorable Benjamin H. Culbertson, Circuit Court Judge
Appellate Case No. 2012-213222

THE STATE,

Respondent,

vs.

JODY LYNN WARD,

Appellant.

RECEIVED
JUN 17 2013

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

SC Court of Appeals

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, June 17, 2013, this Court having granted Respondent's first request for an extension filed on May 29, 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 May 15, 2013, that include, but are not limited to, the following:

1. 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;
2. 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;

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

4. 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 on May 28, 2013;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment [consisting of 88 pages] in the matter of *Frank Furtick, Jr.*, #231663 vs. *Warden of Lee C.I.*, C/A No. 8:13-79-MGL-JDA on June 7, 2013;

6. Counsel prepared the Initial Brief of Respondent in the Lancaster County murder appeal matter of *The State vs. Anthony Rodriekus Carter* on June 14, 2013; and

7. Counsel is out of the office today, June 17, 2013.

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

Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
No. 4425

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
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By: 

DONALD J. ZELENKA

Senior Assistant Deputy Attorney General

on behalf of

WILLIAM EDGAR SALTER, III

Senior Assistant Attorney General

ATTORNEYS FOR RESPONDENT

June 17, 2013.

STATE OF SOUTH CAROLINA
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Appeal From Georgetown County
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THE STATE,

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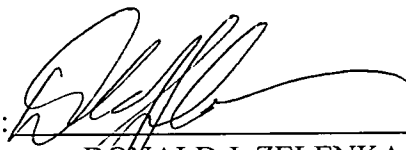
Appellant.

PROOF OF SERVICE

I, Donald J. Zelenka, on behalf of 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 the Appellant by depositing two (2) copies of the same in the United States mail, first-class postage prepaid, and addressed as follows:

Jody Lynn Ward, #300644
Lieber Correctional Institution
P.O. Box 205
Ridgeville, SC 29472

This 17th day of June, 2013.

By: 
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
on behalf of
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
ATTORNEYS FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

June 17, 2013

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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SC Court of Appeals

Re: Second Extension Request
The State v. Jody Lynn Ward
Appeal from Georgetown County
Appellate Case No. 2012-213222

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, June 17, 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.

Sincerely,

Donald J. Zelenka, Senior Assistant Deputy
Attorney General, on behalf of
William Edgar Salter, III,
Senior Assistant Attorney General

DJZ:dmd

Enclosures

cc: Jody Lynn Ward, #300644 (w/two copies of encls.)