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Mar 20 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Spartanburg County
The Honorable Letitia Verdin, Circuit Court Judge

THE STATE,

Respondent,

v.

JOSHUA JETER,

Appellant.

Appellate Case No. 2022-000311

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

The undersigned counsel would respectfully request an extension for two additional weeks in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case up to and including April 3, 2023. Counsel for Appellant has graciously consented to the request via email. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter are due today, March 20, 2023 as per this Court's Order dated March 7, 2023 granting Respondent's fifth extension request. Counsel has begun and has done substantial work, but not completed the brief in this matter.

The undersigned attorney for the Respondent had been involved in extensive trial preparation and has been in a trial in Colleton County that began January 23, 2023 and finished on Friday, March 3, 2023 in the matter of The State v. Alex Murdaugh . Upon return, a number of unexpected matters developed that required attention concerning matters that took necessary attention from finalizing the brief, including employment of staff, issues related to undersigned role as chief and supervisor of the Criminal Division. In hindsight, below-signed counsel underestimated his ability to complete the brief after his absence from the office while in trial for six weeks.

Unfortunately, the delay in completion was further compromised by undersigned counsel involvement as a victim of a hit and run accident on Wednesday March 15 at the corner of Huger and Hampton Streets that disabled my vehicle. This required him to be out of the office to handle numerous matters related to the incident Wednesday, Thursday, and a significant portion of Friday and Saturday, although not seriously injured. Counsel was unable to timely complete the Initial Brief of Respondent.

WHEREFORE, counsel respectfully requests a two-week extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay. Counsel further believes the extraordinary circumstances support this request.


Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General
S.C. Bar No: 5758

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(803) 734-6305

By: 
DONALD J. ZELENKA
ATTORNEYS FOR RESPONDENT

March 20, 2023

I support the finding of good cause and extraordinary
circumstances.

By: 
W. JEFFEREY YOUNG
Chief Deputy Attorney General

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PROOF OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension of Time to File the Initial Brief of Respondent and Designation of Matter, along with Certificate of Service has been forwarded to Appellant's counsel, Elizabeth Franklin-Best, Esquire and Rane Saunders, Esquire, via email today, March 20, 2023 to elizabeth@franklinbestlaw.com and ranee@franklinbestlaw.com.

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

This 20th day of March, 2023.

s/ Angela Brown
ANGELA BROWN
Legal Assistant to Donald J. Zelenka
Deputy Attorney General