

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

THE STATE,

RECEIVED

JUN 28 2013
Respondent,

vs.

SC Court of Appeals

HENRY GRAY,

Appellant.

**MOTION FOR THIRD 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 third extension request. Respondent's Initial Brief is due to be served and filed today, June 28, 2013, this Court having granted Respondent's second request for an extension filed on June 3, 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 28, 2013, that include, but are not limited to, the following:

1. Counsel prepared the Initial Brief of Respondent in the Charleston County murder appeal matter of *The State vs. Gregory Gathers* on May 28, 2013;
2. 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;

3. 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;

4. 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;

5. Counsel was out of the office on June 17, 2013;

6. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Dwight Sullivan, #309653 vs. Leroy Cartledge, C/A No. 8:13-876-TMC-JDA which is currently due on June 27, 2013; and

7. Counsel prepared the Respondent's Return to Petition for Writ of Certiorari in the Beaufort County murder appeal matter of *The State vs. Kenneth Sammy Williams* today, June 28, 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,

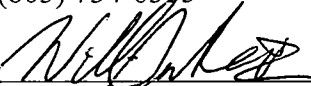
ALAN WILSON
Attorney General

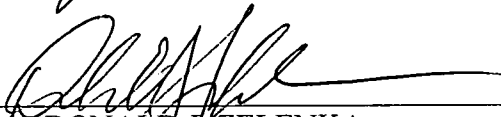
JOHN W. McINTOSH
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By: 
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General

By: 
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

June 28, 2013.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appellant.

PROOF OF SERVICE

I, William Edgar Salter, III, do hereby certify that on this date, I served the *Motion for Third 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 28th day of June, 2013.

By: 

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



ALAN WILSON
ATTORNEY GENERAL

June 28, 2013

RECEIVED

JUN 28 2013

SC Court of Appeals

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

Re: Third 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, June 28, 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.)