

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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Appellate Case No. 2011-199366

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THE STATE,

RESPONDENT,

**RECEIVED**

JUL 08 2013

v.

**SC Court of Appeals**

DANIEL D'ANGELO JACKSON,

APPELLANT

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**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 August 6, 2013. This fourth 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 Canty, on a fourth extension due today also. Counsel is presently working on the initial brief in the Canty case which involves separate issues and hopes to complete the matter within the week.

*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 July 10, 2013).

2. State v. Reginald Canty (5<sup>th</sup> Extension requested to August 6, 2013).
3. State v. Daniel Jackson (3<sup>rd</sup> extension requested to August 6, 2013).
4. State v. Lamar Williams, Initial Brief of Respondent (2<sup>nd</sup> extension) - July 12, 2013.
5. Albert Scruggs v. Warden - federal habeas corpus - court ordered amended return - July 15, 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. The Petitioner is actively working on the Initial Brief in State v. Canty and fully expects it to be filed in advance of the requested date of August 6. Further, the Post-hearing Memorandum is the highest priority and counsel has been working on this matter which is presently in excess of 100 pages. The plan is to complete the Williams matter to Judge Welmaker by July 10.

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: Charles Williams v. State, death penalty PCR post-hearing memorandum of law - due July 10, 2013; John Garvin v. Warden - court ordered federal habeas response - June 14, 2013; Joshua Jeter v. Warden - federal habeas corpus - response to motion to stay and amend - June 24, 2013; Steven McClain v. Warden - federal habeas return and memorandum - filed June 27, 2013; Lisa Ramirez v. Warden - federal

habeas corpus return and memorandum - filed July 8, 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 - July 10, 2013 (originally due to Judge Welmaker June 10, 2013); State v. Victor White, Initial Brief of Respondent - July 10, 2013 (1<sup>st</sup> extensions ); 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 (2<sup>nd</sup> extension) - July 12, 2013; Fernando Saenz v. Warden - FHC Return - due July 12, 2013; Marcellus Knuckles v. Warden - federal habeas corpus response and memorandum of law - due July 12, 2013; State v. Damien Inman - Initial Brief of Respondent - re-assigned from Brendan McDonald - due July 12, 2013 (2<sup>nd</sup> Extension); Albert Scruggs v. Warden - Return to Amended Habeas Petition - federal court ordered - due July 15, 2013 (stand your ground pre-trial appeal); State v. Sydney Hursey - Initial Brief of Respondent - due July 15, 2013 - no extensions; Ismail Cruz v. Warden - federal habeas corpus response and memorandum of law - June 14, 2013; Gary W. Presley v. Detention Center - federal habeas action - court- ordered response - due July 22, 2013; State v. Tavarío Brunson - Initial Brief of Respondent due July 29, 2013 (2<sup>nd</sup> extension). State v. Reginald Canty (5<sup>th</sup> Extension requested to August 6, 2013); State v. Daniel Jackson (4<sup>th</sup> extension requested to August 6, 2013).

II.

Counsel has contacted the office of opposing counsel, Appellate Defender Carmen V. Ganjehsani concerning her position, but learned she was out of the office this date.

III.

Wherefore Respondents respectfully request an extension of a period of thirty days up to

and including August 6, 2013 to complete this Initial Brief of Respondent upon a showing of good cause and extraordinary circumstances for the request.

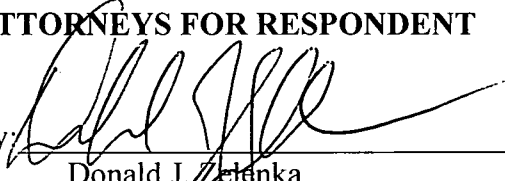
Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

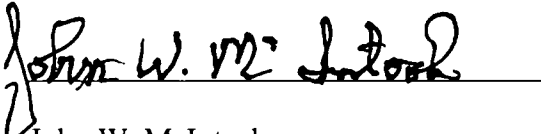
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General  
S.C. Bar #5758

**ATTORNEYS FOR RESPONDENT**

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

July 8, 2013

I concur that good cause and extraordinary circumstances has been shown:

  
John W. McIntosh  
Chief Deputy Attorney General

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**CERTIFICATE OF SERVICE**

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*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 8<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
**DONALD J. ZELENKA**

Senior Assistant Deputy Attorney General



ALAN WILSON  
ATTORNEY GENERAL

July 8, 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 the Motion to Enlarge for Filing Initial Brief of Respondent in the above-referenced case. By copy of this letter, I am serving opposing counsel, Carmen V. Ganjehsani, with same.

Thank you for your consideration.

Sincerely,

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

/lbb

cc: Carmen V. Ganjehsani, Esquire

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**SC Court of Appeals**