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JUL 12 2013
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dillon County
Thomas A. Russo, Circuit Court Judge

Appellate Case No. 2011-193887

THE STATE,

Respondent,

v.

DAMIEN INMAN,

Appellant

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

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 12, 2013. Due to Brendan McDonald's transfer to another section of this office, this matter has been transferred to below-signed counsel. Respondent submit that an outline of the entire transcript has been prepared in this matter. This is the third request in the matter and first request for below-signed counsel.

I..

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 to be filed July 12, 2013).
2. State v. Reginald Canty (5th Extension requested to August 6, 2013).
3. State v. Daniel Jackson (3rd extension requested to August 6, 2013).
4. Albert Scruggs v. Warden - federal habeas corpus - court ordered amended return - July 15, 2013.
5. State v. Damien Inman - IBOR - requested to August 12, 2013 (3rd extension).

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 12.

II.

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 (1st 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 (2nd extension) - July 12, 2013; Fernando Saenz - 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 (2nd 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. Tavarion Brunson - initial Brief of Respondent due July 29, 2013 (2nd extension). State v. Reginald Canty (5th Extension requested to August 6, 2013); State v. Daniel Jackson (4th extension requested to August 6, 2013).

III.

Respondent's below-signed counsel has contacted opposing counsel Susan Hackett who has advised that she has no objection to the request.

IV.

Wherefore Respondents respectfully request an extension of a period of thirty days up to and including August 12, 2013 to complete this Initial Brief of Respondent upon a showing of 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

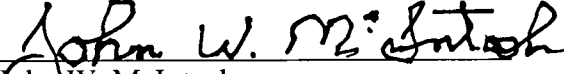
By: 

Donald J. Zelenka

Post Office Box 11549
Columbia, South Carolina 29211
803-734-6305

July 12, 2013

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


John W. McIntosh

Chief Deputy Attorney General

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Thomas A. Russo, Circuit Court Judge

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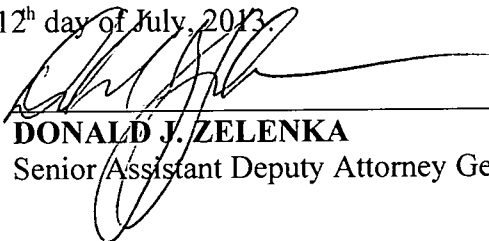
CERTIFICATE OF SERVICE

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

Time for Filing Initial Brief of Respondent on the following:

Susan B. Hackett, Esquire
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

by depositing a copy in the Inter-Agency Mail this 12th day of July, 2013.



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

July 12, 2013

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

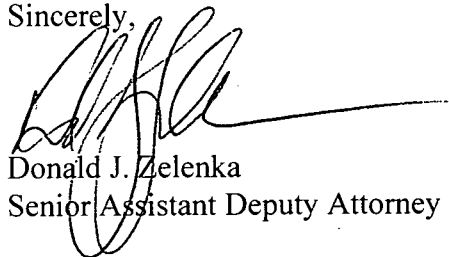
Re: The State v. Damien Inman
Appellate Case No. 2011-193887

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,



Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/lbb
Enclosure

cc: Susan B. Hackett, Esquire