

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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Appellate Case No. 2011-193887

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**RECEIVED**  
AUG 12 2013  
SC Court of Appeals

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**

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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 September 11, 2013. Due to Brendan McDonald's transfer to another section of this office, this matter has been transferred to below-signed counsel. Respondent's counsel submits that an outline of the entire transcript has been prepared in this matter. This is the fourth request in the matter and second request for below-signed counsel.

I.

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. State v. Daniel Jackson (4<sup>th</sup> extension requested to September 6, 2013).
2. State v. Lamar Williams, Initial Brief of Respondent (3<sup>rd</sup> extension) - August 12, 2013. (To be filed today August 12, 2013)

3. State v. Damien Inman - IBOR - August 12, 2013 (3<sup>rd</sup> extension) (outline of transcript completed).
4. State v. Sidney Bret Hursey - IBOR - first extension to August 14 (Stand Your Ground Pre-Trial case).
5. State v. Tavorio Brunson - IBOR extended to August 28, 2013.
6. State v. Richey Boyd - IBOR Due - August 26, 2013 - co-defendant of Lamar Williams).

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.

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 (currently over 240 pages); 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; Albert Scruggs v. Warden - Return to Amended Habeas Petition - federal court ordered - filed July 15, 2013; State v. Greg Isaac - Interlocutory Stand Your Ground Appeal - court-ordered expedited response to Brief of Appellant received on July 17, 2013 - court ordered briefing due and filed by below-signed counsel on July 19, 2013. Gary W. Presley v. Detention Center - federal habeas action - court- ordered Return - filed July 24, 2013; Gary W. Presley v. Detention Center - federal habeas action - opposition to

summary judgment - filed July 22, 2013; Bobby Wayne Stone v. State - Rule 59 motion hearing - Florence - Judge Nettles - August 2, 2013; State v. Reginald Canty - filed August 7, 2013 and Stephen Stanko v. S.C. - brief in opposition to petition for certiorari - U.S. Supreme Court filed August 8, 2013. State v. Scott Lee - Response to Rule 29 Motion to Remand for a Hearing on After Discovered Evidence - filed August 8, 2013, State v. Antonio Gordon - Response to Motion for Counsel To Be Relieved - filed August 9, 2013; State v. Lamar Williams - IBOR filed August 12, 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 (currently over 240 pages) and Response to Rule 59 motion (received August 9, 2013); State v. Lamar Williams, Initial Brief of Respondent (3<sup>rd</sup> extension) - to be filed August 12, 2013; Marcellus Knuckles v. Warden - federal habeas corpus response and memorandum of law - due August 14, 2013; State v. Sydney Hursey - Initial Brief of Respondent - due August 14, 2013 (one extension); Ismail Cruz v. Warden - federal habeas corpus response and memorandum of law - August 16, 2013); State v. Lorenzo Inman - Brief of Respondent - due August 16, 2013; Spencer Utsey v. Warden - federal habeas return and briefing - due August 23, 2013; State v. Richey Boyd, Initial Brief of Respondent - due August 26, 2013; State v. Tavario Brunson - initial Brief of Respondent requested August 28, 2013 (2<sup>nd</sup> extension); John Weik v. S.C. - Death Penalty PCR Appeal - Brief of Respondent - due August 29, 2013; State v. Matthew Fullbright - IBOR - due August 30, 2013; State v. Daniel Jackson (5<sup>th</sup> extension requested to September 5, 2013); State v. Damien Inman - IBOR - (4<sup>th</sup> Extension requested to September 11, 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 September 11, 2013 to complete this Initial Brief of Respondent upon a showing of extraordinary circumstances for the request.

Respectfully submitted,

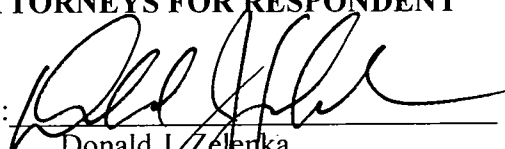
ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

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

**ATTORNEYS FOR RESPONDENT**

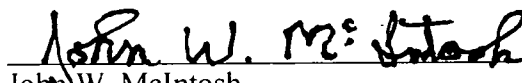
By:

  
Donald J. Zelenka

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

August 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

Appeal from Dillon County  
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THE STATE,

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DAMIEN INMAN,

Appellant

**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 12<sup>th</sup> day of August, 2013.

  
**DONALD J. ZELENKA**  
Senior Assistant Deputy Attorney General



ALAN WILSON  
ATTORNEY GENERAL

August 12, 2013

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

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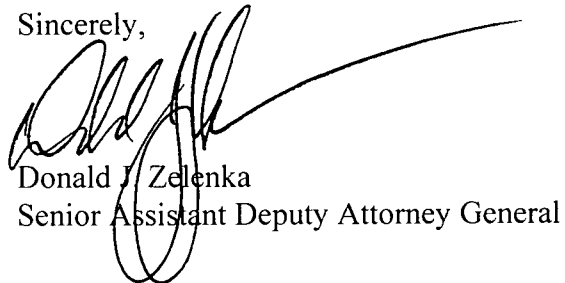
Re: The State v. Damien Inman  
Appellate Case No. 2011-193887

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