

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari From from Dorchester County
Perry M. Buckner, Circuit Court Judge
2003-CP -18-01070

Apeelate Case No. 2007-060700

RECEIVED

SEP 30 2013

JOHN EDWARD WEIK,

Petitioner,

S.C. Supreme Court

v.

STATE OF SOUTH CAROLINA,

Respondent.


MOTION TO ENLARGE TIME FOR
FILING BRIEF OF RESPONDENT

The Respondents, above-named, hereby make a second motion to this Court to extend the time for filing the Brief of Respondent on Writ of Certiorari for a period of thirty (30) days from September 30, 2013 until October 30, 2013. This request is due to the extensive length of the appendix, the fact the Brief of Petitioner consists of 66 pages addressing 6 specified issues in a death penalty PCR action, and intervening business events in state and federal court.

Respondents 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. On this date, below-signed counsel is in Greenville at a state PCR hearing before Judge Gary Hill in the Fredrick Evins v. State (September 30, 2013) which has been counsel's priority

in preparation. The matter is currently on a motion for summary judgment and the evidentiary hearing was held in abeyance although opposing counsel had advised the that hearing would last 8 to 10 days. Co-counsel Assistant Attorney General Anthony Mabry is primarily responsible in this matter.

Since the initial extension, counsel has filed a brief and return in the federal habeas corpus matter in Jamal Demorcy v. Warden on September 9, 2013, filed an Initial Brief of Respondent in State v. Damien Inman, prepared a Final Brief of Respondent in State v. Lamar Williams, made a brief and return in the federal habeas corpus matter in Spencer Utsey v. Warden, and prepared records for filing in the federal habeas matter of Robert A. James v. Warden. Counsel is also preparing initial briefs in State v. Victor White, due to be filed October 9, 2013, and State v. Daniel Jackson, which is held in abeyance pending receipt of the jury qualification transcript.

Wherefore Respondents respectfully request an extension of a period of time of thirty (30) days up to and including October 30, 2013 to complete this Return of respondent. Counsel are advising opposing counsel Robert Dudek with this motion.

Respectfully submitted,

HENRY D. McMASTER
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

September 30, 2013

By: 

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**STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

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2003-CP18-01070
Appellate Case No. 2007-060700

JOHN EDWARD WEIK,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

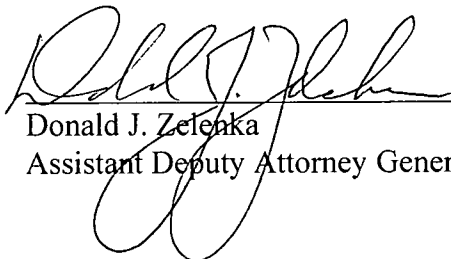
Respondent.

CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served Respondents Motion to Enlarge
Time for Filing Return on

Robert M. Dudek, Esquire,
1330 Lady Street, Suite 401,
Columbia, South Carolina 29201

by depositing copies in the first class postage prepaid this 30th day of September, 2013.


Donald J. Zelenka
Assistant Deputy Attorney General