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S.C. Supreme Court

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

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

Appellate Case No. 2007-060700

JOHN EDWARD WEIK,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION TO ENLARGE TIME FOR
FILING BRIEF OF RESPONDENT**

MS
The Respondents, above-named, hereby make a third and final 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 October 30, 2013 to November 29, 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.

Respondent submits that good cause has been shown. Respondent have prepared a draft of significant portions of the Brief and are confident, absent extraordinary circumstances that it will be completed for filing on or before November 29, 2013.

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. Since the initial extension, counsel has filed a Final Brief of Respondent in State v. Lamar Williams, assisted in a motion hearing in the death penalty case of Fredrick Evins v. State on October 1, 2013, filed a Final Brief of Respondent in State v. Tavario Brunson, filed an Initial Brief of Respondent in State v. Victor White on October 10, 2013, filed a Final Brief of Respondent in State v. Richey Boyd on October 7, 2013, reviewed and prepared responses in the U. S. Supreme Court in George Adams v. Warden and Tyrone Perry v. Warden, traveled to a status conference in the death penalty PCR matter of Quincy Allen v. State on October 25, 2013 in Manning before Judge Cothran, prepared a proposed order in the death penalty matter of Fredrick Evins v. State to Judge Hill on October 25, 2013, prepared Final Brief of Respondent in State v. Damien Inman, prepared records for filing in the federal habeas matters of Robert A. James v. Warden (return due November 25, 2013), Stanley Eppinger v. Warden (due November 14, 2013); Therl Taylor v. Warden (return due October 18). Counsel also reviewed transcript and prepared outline in state appeal in State v. Calvin Pompey due November 6, 2013. Counsel is also preparing initial briefs in State v. Daniel D. Jackson, which is held in abeyance pending receipt of the jury qualification transcript.

The Following Month

Respondents counsel notes that his present schedule for the following month includes the following known at the time of filing this motion:

- State v. Damien Inman - Final Brief of Respondent - due November 4, 2013
- Kevin Fulton v. Warden - Federal Habeas Return and Memo Due - due November 4, 2013
- State v. Gregory Smith - Response to Motion to Hold in Abeyance - due November 4, 2013

- State v. Calvin Pompey - Initial Brief of Appellant - state appeal - due November 4, 2013
- State v. Antrell Felder - Oral Argument - November 13, 2013 - SC Court of Appeals
- State v. Jamaal Hinson - Oral Argument - November 14, 2013 - SC Court of Appeals
- Stanley Eppenger v. Warden - Federal Habeas Return and Brief - due November 14, 2013
- Herbert Frazier v. Warden - Federal Habeas Corpus - Return and Brief - due October 18, 2013.
- Therl Taylor v. Warden - Federal Habeas Corpus - Return and Brief - due November 18, 2013
- State v. Jeffrey Michaelson - Return to Certiorari - South Carolina Supreme Court - due October 18, 2013
- State v. Antonio Gordon - Initial Brief of Respondent - SC Court of Appeals - October 18, 2013
- Robert A. James v. Warden - Federal Habeas Return - due November 25, 2013.
- John Weik v. State - Brief of Respondent - PCR Certiorari - requested - November 29, 2013.

II.

Below-sign counsel has contacted opposing counsel Robert Dudek by telephone this date who advises him that he has no objection to this request for an extension up to and including November 29, 2013.

III.

Wherefore Respondents respectfully request an extension of a period of time of thirty (30) days up to and including November 29, 2013 to complete this Brief of Respondent. Counsel are advising opposing counsel Robert Dudek with this motion.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA

Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

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I concur that good cause has been shown.



Alan Wilson
Attorney General

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CERTIFICATE OF SERVICE

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

Time for Filing Brief on

Robert M. Dudek, Esquire
Division of Appellate Defense
1330 Lady Street, Suite 401,
Columbia, South Carolina 29201

by depositing copies in the U.S. mail, first class postage prepaid, this 30th day of October, 2013.



Donald J. Zelenka
Senior Assistant Deputy Attorney General