

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County  
J.C. Buddy Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2012-213295

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THE STATE,

Respondent,

vs.

DARRYL L. DRAYTON,

Appellant.

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**PETITION FOR EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND  
DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, December 4, 2013, upon this Court's grant of Respondent's first request for an extension filed on November 7, 2013.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since November 4, 2013. Specifically,

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**SC Court of Appeals**

1. Counsel prepared the Return and Memorandum of Law in the matter of *John Tamorris McClure*, #285960 vs. *Warden Eagleton*, C/A No. 0:13-2006-JMC-PJG on November 7, 2013;

2. Counsel was out of the office on funeral leave from Thursday, November 14, 2013 to Wednesday, November 20, 2013;

3. Counsel prepared the response of Respondent to the Order entered on October 23, 2013, [Doc. #58] in the matter of *Jimmy H. Causey*, #172046 vs. *Michael McCall*, C/A No. 4:13-00604-TMC-TER on November 25, 2013;

4. Counsel was out of the office on November 25, 2013 on sick leave; and

5. Counsel is currently preparing for trial in the Clarendon County capital Post-Conviction Relief matter of *Anthony Woods vs. State of South Carolina*, 2009-CP-14-654, which will be heard by the Honorable George C. James, Jr. in the Sumter County the week of January 6, 2014; and

6. Counsel has spent a significant amount of time reviewing the transcript of record and drafting the Initial Brief of Respondent in this matter. However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Brief in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully Submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General  
No. 4425

WILLIAM EDGAR SALTER, III  
Senior Assistant Attorney General  
No. 3710

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

By:   
WILLIAM EDGAR SALTER, III  
ATTORNEYS FOR RESPONDENT

December 4, 2013.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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THE STATE,

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PROOF OF SERVICE

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I, William E. Salter, III, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Susan Hackett, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

I further certify that all parties required by Rule to be served have been served.

This 4<sup>th</sup> day of December, 2013.



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WILLIAM EDGAR SALTER, III  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305



ALAN WILSON  
ATTORNEY GENERAL

December 4, 2013

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: *The State vs. Darryl L. Drayton*  
Appellate Case No.: 2012-213295

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, December 4, 2013. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Second Extension to File Initial Brief of Respondent and Designation of Matter. I am informing opposing counsel of my request by copy of this letter.

Sincerely,

William E. Salter, III,  
Senior Assistant Attorney General

WES:dmd  
Enclosures  
cc: Susan Hackett, Esq. (w/two copies of encls.)

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**SC COURT OF APPEALS**