

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2012-213295

THE STATE,

Respondent,

vs.

DARRYL L. DRAYTON,

Appellant.

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JAN 03 2014

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

SC Court of Appeals

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, January 3, 2014, upon this Court's grant of Respondent's second request for an extension filed on December 6, 2013.

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

1. 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

is currently scheduled to be heard by the Honorable George C. James, Jr. in Sumter County which is starting on Tuesday, January 7, 2014;

2. Counsel prepared the Return to Petition for Writ of Certiorari in the Charleston County murder appeal matter of *The State vs. Kendrick Taylor* on December 16, 2013;

3. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Keith Eigner, #299153 vs. Keith Weeden*, C/A No. 0:13-2255-RMG-PJG on December 20, 2013;

4. Counsel prepared the Return to Petition for Writ of Certiorari in the Horry County murder appeal matter of *The State vs. Henry Jermaine Dukes* on December 23, 2013;

5. Counsel was out of the office yesterday, January 2, 2014 due to illness; 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

January 3, 2014.

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THE STATE,

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PROOF OF SERVICE

I, William E. Salter, III, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a third 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 3rd day of January, 2014.



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



ALAN WILSON
ATTORNEY GENERAL

January 3, 2014

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, January 3, 2014. 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 Third Extension to File Initial Brief of Respondent and Designation of Matter. In 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