

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County
W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2011-199366

THE STATE,

RESPONDENT,

v.

DANIEL D'ANGELO JACKSON,

APPELLANT

**RESPONDENT'S MOTION TO EXTEND TIME TO FILE INITIAL BRIEF OF
RESPONDENT DUE ACCIDENT FOR ONE WEEK UNTIL JANUARY 21, 2014**

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#1

The Respondent, above-named, hereby makes a motion to this Court to extend the filing of the Initial Brief of Respondent and designation of matter for one week up to and including January 21, 2014. The Brief is currently due January 13, 2013. **This is primarily due to the extraordinary circumstance that below-signed counsel fractured his right fibula on January 1, 2014 in an accident and has been subject to a series of medical matters in addition to limited movement due to his casting and unanticipated leave.** This final request is additionally due to the length of the record on appeal (1263 pages), intervening business and unexpected events in state and federal court.


I.

Respondent submits the following additional priorities:

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1. State v. Jeffery Michaelson - Return to Certiorari – due January 17, 2013.
 2. State v. Daniel Jackson - Initial Brief of Respondent – projected to January 21, 2014.
 3. Anthony Woods v. State – DP PCR Hearing – Judge James – January 6 week and Tuesday January 14 at 6:30 PM in Sumter and all day January 15 in Sumter.
 4. Ismael Cruz v. Warden - Court-ordered response due to federal court January 16, 2014.
 5. Therl Taylor v. State – FHC Return - due January 17, 2013.
 6. State v. Tavario BRUNSON - SCSCt – Oral Argument – January 22, 2014.
 7. State v. Manuel Marin - Return to Certiorari – Direct Appeal – due January 22, 2014 .
 8. Orlando Smith v. State – DNA Application - Certiorari Return - January 27, 2014.

II.

The Past Time Period.

This request is primarily due to the broken ankle/fibula which occurred on January 1, 2014 which has resulted in limited movement, medication and a series of casts and splints, including a second cast and x-rays this date. In addition, there was unanticipated leave from the office due to the injury and recovery.

In addition to working on the Jackson initial brief of Respondent, Respondents' below-signed counsel having been involved in numerous litigation in both state and federal court during this time period which has also prevented the completion of this brief in a sufficient and

timely manner including State v. Antonio Gordon – motion to dismiss filed December 13, 2013; Stanley Eppenger v. Warden - federal habeas corpus – return and brief of Respondent and motion filed December 16, 2014; Herbert Frazier v. Warden - return and brief of Respondent and motion - filed December 18, 2013; Kenneth Simmons v. State – death penalty PCR – proposed order to Judge Early concerning State’s Rule 59 motion - filed December 31, 2013; Anthony Woods v. State – travel to death penalty PCR hearing January 8-10, 2014 – Sumter before Judge James ; Robert Isom v. Warden – federal habeas corpus - court-ordered response – January 10, 2014.

IV.

Counsel has contacted the office of opposing counsel, Appellate Defender Carmen V. Ganjehsani concerning her position on this motion on this date by telephone. Counsel was informed that opposing counsel was not at her office this date. At the time of this filing below signed counsel had not received counsel’s position on this request.

III.

Wherefore Respondents respectfully request the matter be extended up to and including Tuesday January 21, 2014.

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

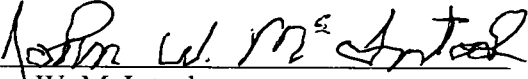
ATTORNEYS FOR RESPONDENT

January 13, 2014

By: 

Donald J. Zelenka
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
803-734-6305

I concur that good cause or extraordinary circumstances have been shown.


John W. McIntosh
Chief Deputy Attorney General

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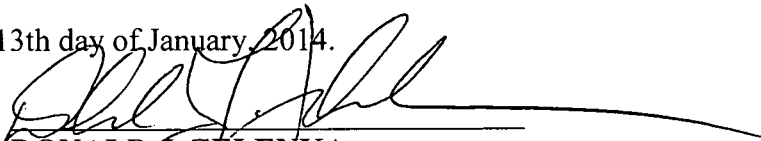
CERTIFICATE OF SERVICE

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

by Intra-Agency mail on:

Ms. Carmen V. Ganjehsani, Esquire
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

by depositing a copy in the Intra-Agency Mail this 13th day of January, 2014.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

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ALAN WILSON
ATTORNEY GENERAL

January 13, 2014

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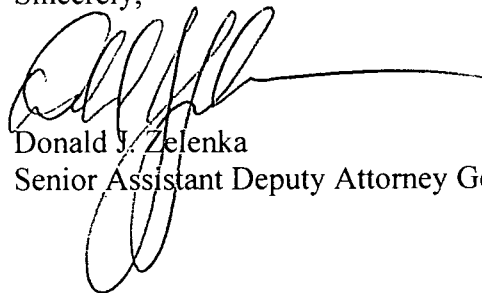
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Daniel D'Angelo Jackson
Appellate Case No. 2011-199366

Dear Ms. Kitchings:

Enclosed please find a copy of the Motion to Enlarge Time to File Initial Brief of Respondent due to Accident for One Week until January 21, 2014, in the above-captioned matter for filing in your office. By copy of this letter, I am serving opposing counsel with same.

Sincerely,



Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/mv
Enclosure

cc: Carmen Ganjehsani, Esquire