

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2011-199366

RECEIVED
JAN 22 2014
SC Court of Appeals

THE STATE,


RESPONDENT,

v.

DANIEL D'ANGELO JACKSON,

APPELLANT

**RESPONDENT'S MOTION TO EXTEND TIME TO FILE INITIAL BRIEF OF
RESPONDENT DUE STATE V. HENSON FOR ONE WEEK UNTIL JANUARY 29, 2014**

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 29, 2014. The Brief was currently due January 21, 2014. This request is primarily due to the fact that below-signed counsel has learned the South Carolina Supreme Court issued an opinion in State v. Davontey Henson on January 22, 2014 which concluded that a codefendant's redacted confession in that case violated the Confrontation Clause. State v. Henson, Op. No. 27354 (S.C. January 22, 2014). Below-signed counsel was prepared to file the Initial Brief of Respondent this date, but is requesting this extension to address the impact of Henson on four similar issues raised in the Jackson appeal concerning the admission of the redacted statements of Reginald Canty and the failure to sever. No further extension beyond January 29,

2014 will be necessary.

I.

Respondent submits the following additional priorities:

1. State v. Tavarío Brunson - SCSCt – Oral Argument – argued January 22, 2014.
2. State v. Daniel Jackson - Initial Brief of Respondent – due January 13, extension requested to Wednesday January 29, 2014..
3. State v. Jeffery Michaelson - Return to Certiorari – due January 17, 2014, extension requested to February 17, 2014
4. Therl Taylor v. State – FHC Return - due January 17, 2013 after series of extensions . Return concerns 32 separate claims for relief and extensive appellate and PCR records. Below –signed counsel presently working on . Extension requested to January 31, 2014.
4. Orlando Smith v. State – DNA Application - Certiorari Return - January 27, 2014.
5. State v. Shawn Miller – Brief of Petitioner on Certiorari – due January 21, 2014 – extension requested to February 20, 2014.

II.

The Past Time Period.

In addition to working on the State v Daniel Jackson initial brief of Respondent due January 21, 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; Anthony Woods v. State, preparation and travel to Sumter for death penalty Death Penalty hearing on Tuesday January 14, 2014 before Judge James which concluded at 8:30 PM; travel to Sumter and participation in death penalty hearing which began at 10 and concluded at 1 PM on Wednesday January 15, 2014; preparation and filing of court-ordered response and memorandum of law in Ismael Cruz v. Warden, a federal habeas corpus matter concerning the effect of Martinez v. Ryan and the pendency of a successive PCR action on present federal habeas corpus proceedings on January 16, 2014; and working on the Therl Taylor response for federal court. In addition, below-signed counsel prepared and argued State v. Tavario Brunson, a direct appeal involving juvenile sentencing to life without parole this date, January 22, 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.

V.

Wherefore Respondents respectfully request the matter be extended up to and including Wednesday January 29, 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

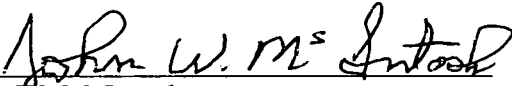
ATTORNEYS FOR RESPONDENT

By: 

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

January 22, 2014

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


John W. McIntosh
Chief Deputy Attorney General

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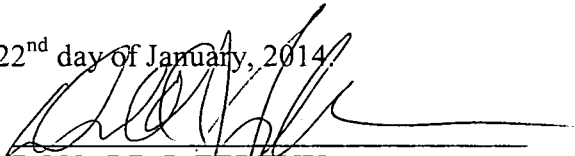
CERTIFICATE OF SERVICE

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 22nd day of January, 2014.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General



RECEIVED
JAN 22 2014
SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

January 22, 2014

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 the Motion to Enlarge Time to File Initial Brief of Respondent for One Week until January 29, 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