

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Richland County
The Honorable Maité D. Murphy, Circuit Court Judge
Appellate Case No. 2013-002124

S.C. Supreme Court

THE STATE OF SOUTH CAROLINA,

APPELLANT,

v.

SHANNON SCOTT,

RESPONDENT.

MOTION FOR THIRD EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

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

Appellant's Initial Brief is due today, February 5, 2014, upon this Court's grant of Appellant's second request for an extension filed on January 7, 2014.

The undersigned attorney for the Appellant has had a number of state and federal matters to attend to since January 6, 2014. Specifically, counsel has completed and filed the Returns, Motions for Summary Judgment, and Memoranda of Law in Support of Motions for Summary Judgment in James Alexander, #294834 vs. Michael McCall, C/A No. 2:13-2868-RMG-BHH; Vernon Harrison, #333555 vs. Stevenson, Warden, C/A No. 4:13-1004-TLW-TER;

Nicanor Perez Rodriguez, #337563 vs. Dennis Bush, Warden, C/A No. 0:13-3401-TLW-PJG; and Bruce Edward Kirton, #318515 vs. Warden of MacDougall Correctional Institution, C/A No. 4:13-2097-DCN-TER; all federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel also spent a significant amount of time researching and preparing the Returns and Memoranda of Law in Support of Motions for Summary Judgment in Leroy Archie, #317590 vs. Leroy Cartledge, C/A No. 2:13-3052-RMG-BHH; Robert Troy Taylor, #315084 vs. Bernard McKie, C/A No. 5:13-2239-RMG-KDW; and Ronald Donald Dingle, #200958 vs. Warden, Robert M. Stevenson, C/A No. 4:13-2487-DCN-TER; all federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel has also reviewed the files and started work on the Return and Memorandum of Law in Support of Motion for Summary Judgment in Kenneth Whitmore, #227057 vs. R.H. Mauney, Warden, C/A No. 6:13-3217-JMC-KFM; another federal habeas action pending before the United States District Court for the District of South Carolina.

Counsel filed the Initial Brief of Appellant in State vs. Calvin Jermaine Pompey, a State's appeal of a grant of immunity now pending in the South Carolina Court of Appeals in a Marion County murder case. Counsel also filed a Reply Brief of Appellant in State v. Graham Franklin Douglas, another State's appeal of a grant of immunity now pending in the South Carolina Court of Appeals in a Chesterfield County murder case. On February 4, 2014, counsel presented oral argument on behalf of the State before the South Carolina Court of Appeals in

State vs. Julian Deandre Battle, a direct appeal in a Greenville County murder case.

Counsel has also spent a substantial amount of time reviewing the Appendix and records, researching, and working on the Return to Petition for Writ of Certiorari in Marion Bowman v. State of South Carolina, an appeal in a post-conviction relief action in a Dorchester County capital case that is now pending before the South Carolina Supreme Court.

Counsel has reviewed the transcript of record, completed a significant amount of research, and has drafted substantial portions of the Initial Brief of Appellant in this case. However, due to undersigned counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the initial brief of appellant 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 Appellant and Designation of Matter.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Deputy Attorney General

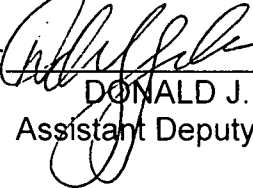
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BY: 

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By: 

DONALD J. ZELENKA
Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR APPELANT

February 5, 2014.

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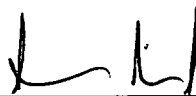
RESPONDENT.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of Counsel for the Appellant, certify that I have served two (2) copies of the within Motion for Third Extension to File Initial Brief of Appellant and Designation of Matter via U.S. mail to his attorney of record, James Todd Rutherford, Esq., P.O. Box 1452, Columbia, South Carolina 29202-1452.

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

This 5th day of February, 2014.



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