

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.

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

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, February 3, 2014, upon this Court's grant of Respondent's third request for an extension filed on January 9, 2014.

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

1. Counsel represented the State in a hearing before the Honorable George C. James, Jr. in Sumter County in the Clarendon County capital Post-Conviction Relief matter of *Anthony*

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SC Court of Appeals

Woods vs. State of South Carolina, 2009-CP-14-654. The hearing commenced on January 7, 2014 and lasted through the week. Counsel also attended a deposition relating to the hearing on Tuesday, January 14, 2014 at 6:30 p.m. in the Sumter County Courthouse regarding this matter, and the hearing reconvened on Wednesday, January 15, 2014 at 10:00 a.m.

2. Counsel appeared in Orangeburg County on January 17, 2014 in the matter of *The Estate of Fredy DeLeon* for a hearing on cross-motions to alter or amend the judgment pursuant to Rule 59(e) SCRPC;

3. Counsel prepared Respondent's Brief in Opposition in the United States Supreme Court in the matter of *Tyrone Perry vs. Michael McCall, Warden*, No. 13-6384 on January 21, 2014;

4. Counsel prepared the Final Brief of Respondent in the Richland County murder appeal matter of *The State vs. Robin Reese* on January 27, 2014;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Gregory McHam, #296137 vs. Leroy Cartledge*, C/A No. 8:13-2492-TMC-JDA, also on January 27, 2014;

6. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Anthony L. Brown, #251490, also known as Anthony Lamar Brown vs. Warden, Lee Correctional Institution*, C/A No. 9:13-2595-RBH-BM, which is being filed today, February 3, 2014; and

7. 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

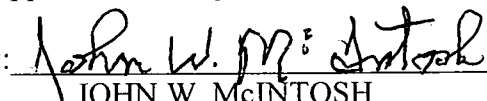
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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

By: 
WILLIAM EDGAR SALTER, III

By: 
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

By: 
JOHN W. McINTOSH
Chief Deputy Attorney General

ATTORNEYS FOR RESPONDENT

February 3, 2014.

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Appeal from Charleston County
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THE STATE,

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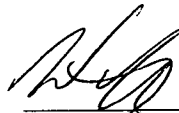
Appellant.

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 fourth 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 February, 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

February 3, 2014

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

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SC Court of Appeals

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, February 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 Fourth 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.)