

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

Appeal From Greenville  
Honorable Leticia H. Verdin, Circuit Court Judge

FEB 26 2014

Appellate Case # 2012-213673  
1998 GS-23-5212

SC Court of Appeals

ORLANDO SMITH,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION TO ENLARGE TIME FOR FILING  
RETURN TO PETITION FOR WRIT OF CERTIORARI**

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The State of South Carolina, above-named, hereby make a third motion to this Court to extend the time for filing the Return to the Petition for Writ of Certiorari involving an appeal from a denial of DNA testing pursuant to S.C. Code Ann. Section 17-28-90 (G) from February 26, 2014 for thirty days up to and including March 28, 2014. Respondent submits that good cause has been shown for this extension.

I.

The Past Time Period.

Since the prior request, counsel filed an initial brief of respondent and motion in State v. Daniel DeAngelo Jackson on January 31, 2014; filed a motion to certify in State v. Daniel D. Jackson on February 4, 2014; filed an 86 page return and memorandum of law in Therl Taylor v. Warden federal habeas action on February 7, 2014. brief; filing a Return on certiorari in State v. Jeffrey Michaelson on February 18, 2014; and prepared and made an oral argument in

the John Weik v. State death penalty PCR appeal on February 19, 2014 in the South Carolina Supreme Court, filing and preparation of a Brief of Petitioner in State v. Shawn Miller in the S.C. Supreme Court on February 20, 2014, travel and preparation for depositions in Andres Torres v. State held on February 20, 2014 at the Kershaw Correctional Institution and on February 21, 2014 at the Livesay Correctional Institution in Spartanburg; reviewed an prepared certiorari responses to the U.S. Supreme Court in Charles Tyson v. Padula, No. 13-8183 on February 18, 2014; on Raymond Magazine v. Stevenson, No. 13-8567 on February 26, 2014, and is preparing a response on certiorari in Billy W. Cope v. State, No. 13-8427 this date.

Respondent is also preparing for an argument before Judge James in a capital PCR hearing set for Thursday February 27, 2014 in Sumter (Anthony Woods v. State) and travel on Friday February 28, 2014 for a deposition in Andre Torres v. State. Counsel has also been preparing responses in the federal habeas action on Jabbar Straws v. Warden and the Brief of Appellant in State v. Rodriquez Cook. The Respondent notes that in this time period the office was unexpectedly closed from February 12 through 18 due to the weather and the federal holiday.

IV.

As stated above, below-signed counsel spoke with opposing counsel Susan B. Hackett this date who advised that she had no objection to this request.

Respondent submits that good cause has been shown for this extension.

V.

Wherefore Respondents respectfully request an extension of a period of time of thirty (30) days up to and including **March 28, 2014** for good cause to file the Return of Respondent to the Petition for A Writ of Certiorari.

Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

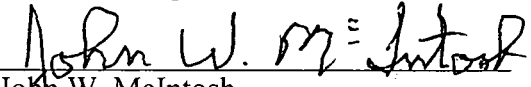
DONALD J. ZELENKA  
Assistant Deputy Attorney General

**ATTORNEYS FOR RESPONDENT**

By:   
Donald J. Zelenka

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I concur that good cause has been shown.

  
John W. McIntosh  
Chief Deputy Attorney General

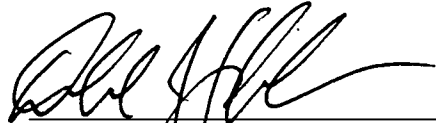
February 26, 2014.

**CERTIFICATE OF SERVICE**

I, **Donald J. Zelenka**, hereby certify that I have served the **MOTION TO ENLARGE TIME FOR FILING RETURN OF PETITION** in the foregoing action by depositing one (1) copy in the U.S.Mail, postage prepaid to:

Appellate Defender Susan B. Hackett  
South Carolina Office of Indigent Defense  
P. O. Box 11589  
Columbia, S.C. 29211-1589

This 26<sup>th</sup> day of February, 2014.



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