

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

RECEIVED

MAR - 7 2014

S.C. Supreme Court

THE STATE OF SOUTH CAROLINA,

APPELLANT,

v.

SHANNON SCOTT,

RESPONDENT.

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

The undersigned counsel would respectfully request a seven (7) 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, March 7, 2014, upon this Court's grant of Appellant's third request for an extension filed on February 6, 2014.

The undersigned attorney for the Appellant has had a number of state and federal matters to attend to since February 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 Robert Troy Taylor, #315084 vs. Bernard McKie, C/A No. 5:13-2239-RMG-KDW; Kenneth Whitmore, #227057 vs. R.H. Mauney, Warden, C/A No. 6:13-3217-JMC-KFM; and

Leroy Archie, #317590 vs. Leroy Cartledge, C/A No. 2:13-3052-RMG-BHH; 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 Ronald Donald Dingle, #200958 vs. Warden, Robert M. Stevenson, C/A No. 4:13-2487-DCN-TER; and Dallas Davis Lawter, #233695 vs. Stevenson, C/A No. 0:13-03354-MGL-PJG; both federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel has also filed a response to a Rule 60(b) Motion [Doc. #56] filed in Damon L. Doyle, #282794 vs. Anthony J. Padula, Warden, C/A No.: 5:10-03242-JMC, another federal habeas action pending before the United States District Court for the District of South Carolina.

Counsel filed the Final Brief of Appellant and Final Reply Brief of Appellant in the matter of The State vs. Graham Franklin Douglas, a State's appeal now pending in the South Carolina Court of Appeals in a Chesterfield County murder case.

Counsel has also spent a significant 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 nearly completed 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 will be counsel's final request for an extension. Counsel anticipates the brief will be completed this weekend, and further plans on having the brief reviewed for filing early in next week. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a seven (7) day extension of time to serve and file the Initial Brief of Appellant and Designation of Matter.

Respectfully submitted,

ALAN WILSON
Attorney General

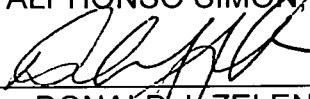
JOHN W. MCINTOSH
Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

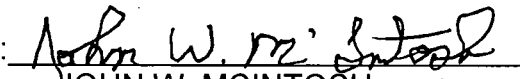
ALPHONSO SIMON, JR.
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BY: 
ALPHONSO SIMON, JR.

By: 
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

By: 
JOHN W. MCINTOSH
Deputy Attorney General

ATTORNEYS FOR APPELLANT

March 7, 2014.

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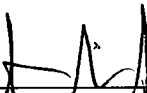
RESPONDENT.

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 Fourth 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. Two copies were also served upon Robert M. Dudek, Esquire, 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 7th day of March, 2014.



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