

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
R. Knox McMahon, Circuit Court Judge

Appellate Case No. 2012-212696

RECEIVED

MAR 10 2014

SC Court of Appeals

THE STATE,

Respondent,

vs.

DAQWAN M. JOHNSON,

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, March 10, 2014, upon this Court's grant of Respondent's third request for an extension filed on February 10, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 6, 2014. Specifically,

1. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *William Henley, #303810 vs. Warden of Kershaw*

Correctional Institution, C/A No. 8:13-02571-JFA-JDA on February 6, 2014;

2. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Anthony Fields, #200592 vs. Warden Stevens*, C/A No. 0:13-02679-TMC-PJG on February 11, 2014;

3. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Troy A. Brown, #319481 vs. Willie L. Eagleton*, C/A No. 1:13-2583-DCN-SVH on February 24, 2014;

4. Counsel represented the State in closing arguments before the Honorable George C. James, Jr. in Sumter County in the Clarendon County capital Post-Conviction Relief matter of *Anthony Woods, #6023 vs. State of South Carolina*, 2009-CP-14-654 on February 27, 2014;

5. Counsel prepared an Initial Brief of Respondent in the South Carolina Court of Appeals for the matter of *The State vs. Darryl L. Drayton* on March 5, 2014;

6. Counsel prepared the Respondent's Response to Motion for issuance of Subpoena [Doc. #46] in *Edward Mack, #261986 vs. Leroy Cartledge, Warden*, C/A No. 5:13-01021-MGL-KDW on March 7, 2014; and

7. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Tracy Alvin James, #231674 vs. Warden, Evans Correctional Institution*, C/A No. 1:13-3499-MGL-SVH, which is due Wednesday, March 12, 2014.

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

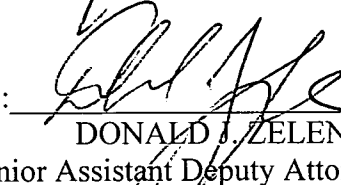
JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
No. 4425

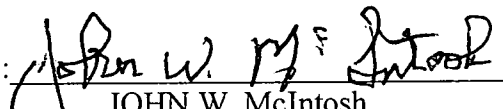
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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

March 10, 2014.

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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 United States mail to his attorney of record, Robert M. Dudek, 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 10th day of March, 2014.



WILLIAM EDGAR SALTER, III
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ALAN WILSON
ATTORNEY GENERAL

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MAR 10 2014
SC Court of Appeals

March 10, 2014

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

Re: *The State vs. Daqwan M. Johnson*
Appellate Case No.: 2012-212696

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, March 10, 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: Robert M. Dudek, Esq. (w/two copies of encls.)