

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAR 31 2014

SC Court of Appeals

Appeal from Greenville County
J. Mark Hayes, II, Circuit Court Judge

Appellate Case No. 2013-001783

THE STATE,

Respondent,

vs.

NATHANIEL B. BEEKS,

Appellant.

**MOTION FOR SECOND 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 31, 2014, upon this Court's grant of Respondent's first request for an extension filed on February 28, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 27, 2014. Specifically,

1. 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;

RJB 2nd

2. Counsel prepared an Initial Brief of Respondent on March 5, 2014 in the matter of The State vs. Darryl L. Drayton, a direct appeal in a Charleston County murder case now pending before the South Carolina Court of Appeals;

3. 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;

4. Counsel prepared 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 on March 12, 2014;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of James Arthur Nesbitt, #291377 vs. Warden Leroy Cartledge, C/A No. 9:13-2980-MGL-BM on March 17, 2014;

6. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of William A. Avinger, II, #319774 vs. Warden, MacDougal Correctional Institution, C/A No. 9:13-2736-JFA-BM on March 21, 2014;

7. Counsel filed the Brief of Respondent in The State vs. Darian Kyle Robinson, a Greenville County murder appeal matter now pending before the South Carolina Supreme Court on Thursday, March 27, 2014. The South Carolina Supreme Court in its letter dated March 14, 2014, advised that this case will be scheduled for oral argument during the June 2014 term, that the Brief of Respondent was due on or before March 27, 2014, and that no extensions of time will be granted absent extraordinary circumstances; and

8. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Barrett Bernard Harris, #171863 vs. Leroy Cartledge, C/A No. 2:13-3417-MGL-BHH which is currently due today, March 31, 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
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WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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By: 
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

March 31, 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 second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Susan B. 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 31st day of March, 2014.



WILLIAM EDGAR SALTER, III
Office of the Attorney General
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Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

March 31, 2014

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

Re: *The State vs. Nathaniel Bernard Beeks*
Appellate Case No. 2013-001783

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 31, 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 Second 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 B. Hackett, Esq. (w/two copies of encls.)

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