

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Lee Alford, Circuit Court Judge

Appellate Case No. 2013-000819

RECEIVED

APR 14 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

RODERQUIZ R. COOK,

APPELLANT

8
+1

**RESPONDENT'S MOTION TO EXTEND FILING OF
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The Respondent, above-named, hereby makes a motion to this Court to extend the time for filing the Initial Brief of Respondent and Designation of Matter until May 14, 2014. This matter was due on April 14, 2014. This fourth request is due to other business personal events in state and federal court. Below-signed counsel has received consent this date to this request.

I.

Since the initial request, counsel has been preparing a Return for filing in the federal habeas action of Jabbar Straws v. Warden, preparation of a Brief in Opposition for the U.S. Supreme Court in Billy W. Cope v. State due to be filed May 6, 2014, travel to Bishopville, SC on March 21 for a status conference in the death penalty PCR of Quincy Allen v. State before Judge Cothran, filed a Final Brief of Respondent and Supplemental Record filed on March 25,

2014 in State v. Daniel D'Angelo Jackson, filed a Supplemental Return in the federal habeas matter in Therl Taylor v. Warden on March 27, 2014, and filed a Supplemental Return in Joshua Jeter v. Warden in federal court on March 27, 2014 and on March 27, 2014 filed a motion to alter and amend in Fredrick Evins v. State – a death penalty PCR action before Judge Gary Hill, made a response to a motion to reconstruct in State v. Tavoris Hurst on March 29, 2014; prepared and argued before the South Carolina Supreme Court on April 1, 2014 in State v. Jaquin Brewer; prepared and argued before the South Carolina Court of Appeals on April 10, 2014 in State v. Richey Boyd and State v. Lamar Williams; traveled to Spartanburg on April 11, 2014 for witness preparation for death penalty PCR hearing scheduled for April 14-16, 21-25, 2014 before Judge Cole in Andres Torres v. State.

II.


8
x2

In the next thirty days, below-signed counsel has the following matters scheduled: a Brief in Opposition in the United States Supreme Court in Billy Wayne Cope v. South Carolina on May 7, travel to Spartanburg from April 12-14, 2014 for the PCR hearing in Andres Torres v. State before Judge Derham Cole, federal habeas return due on April 16, 2014 in Tyco Jacobs v. State (extended once), federal habeas return on April 17, 2014 in Jabbar Straws v. State (extended twice), court ordered response to motion in federal habeas action of Patrick Roberts v. Warden on April 17; initial brief in opposition on April 21 in State v. Thomas Stewart (extended once), a federal habeas corpus return due on April 21 in Kenny Sowell v. Warden, an initial brief of respondent due on April 23, 2014 in State v. Kevin Letmon (extended once), an initial brief of respondent in State v. Cleopus Edwards (3 extensions) due April 23, 2014, a federal habeas corpus return due in Bryan Ladner v. Warden on April 28, 2014 and a Return to Petition for Writ of Certiorari in Herman Hughes v. State in the Court of Appeals projected to be

due on April 28, 2018; a federal habeas corpus return in Kevin Mellette on April 28; an oral argument in the South Carolina Court of Appeals on May 5, 2014 in State v. Reginald Canty; a certiorari petition in the death penalty PCR appeal in Kenneth Simmons v. State due in the South Carolina Supreme Court on May 5, 2014; a federal habeas return due on May 5 in Mecca Evans v. Warden on May 5, 2014; a federal habeas corpus return in Tiffany Elmore v. State on May 5, 2014; the brief in opposition to the U.S. Supreme Court in Billy W. Cope v. S.C. on May 6, 2014; an oral argument in the South Carolina Court of Appeals in State v. Victor White on May 6, 2014; a federal habeas corpus return due in Robert Whittaker v. State on May 16, 2014; and a federal habeas return due in Bobby Rice v. Warden on May 27, 2014. .

III.

Respondent's below-signed counsel establishes the following priority for pleadings:

- 
1. Brief in Opposition in the United States Supreme Court in Billy Wayne Cope v. South Carolina on May 7.
 2. Return to Certiorari – Orlando Smith v. State (DNA Access Appeal) (4th extension) – projected due April 28.
 3. State v. Roderquiz Cook – Initial Brief of Respondent projected due May 14 (4th extension).
 4. Initial Brief of Respondent in State v. Cleopus Edwards (3 extensions) due April 23, 2014.
 5. Return to Petition for Writ of Certiorari in Herman Hughes v. State in the Court of Appeals projected to be due on April 28, 2018.
 6. Certiorari Petition - Kenneth Simmons v. State – due May 5, 2014
 7. Federal Habeas Return on April 17, 2014 in Jabbar Straws v. State (extended

twice).

II.

Counsel has attempted to contact opposing counsel Jared C. Williams, but at the time of the filing was not aware of his position.

III.

Wherefore Respondents respectfully request an extension of a period of thirty days up to and including May 14, 2014 to complete this Initial Brief of Respondent.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

By: 

Donald J. Zelenka
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
803-734-6305

April 14, 2014

I concur that good cause has been shown for this request.



ALAN WILSON
ATTORNEY GENERAL

Lonnie Brawley

From: Jared Williams <jcwilliams@charlestonlaw.edu>
Sent: Monday, April 14, 2014 8:38 AM
To: Don Zelenka
Cc: Lonnie Brawley
Subject: Re: State v. Roderquiz Cook - Request for Consent on Extension - Attachment included

Mr. Zelenka,

I have no objection to the extension.

If possible, can you please change the email address you have on file for me to my work email (jared@lawtonlawfirm.net). Thank you.

Jared Williams
Lawton Law Firm, LLC
jared@lawtonlawfirm.net

On Sun, Apr 13, 2014 at 6:42 PM, Don Zelenka <DZelenka@scag.gov> wrote:

Here is the draft motion. Sorry it did not get included before.

Don

From: Don Zelenka
Sent: Sunday, April 13, 2014 4:35 PM
To: jcwilliams@charlestonlaw.edu
Cc: Lonnie Brawley
Subject: State v. Roderquiz Cook - Request for Consent on Extension

Mr. Williams –

I am requesting another 30 day extension in this case. I have been unable to complete the brief do to other conflicts and priorities as set forth in my attached draft request. However, the important matter is that I need to discuss my position with the trial prosecutors from the office in the case who were in trial this past week before I file my Initial Brief.

Please advise me of your position if you can and I will revise my motion accordingly. I will be in court in Spartanburg this week before Judge Cole and traveling early Monday, so an email response will be OK.

Thank you for your consideration in this matter.

Donald J. Zelenka

Senior Assistant Deputy Attorney General

South Carolina Attorney General's Office

P.O. Box 11549

Columbia, S.C. 29211

803-734-3601

dzelenka@scag.gov



ALAN WILSON
ATTORNEY GENERAL

April 14, 2014

RECEIVED

APR 14 2014

SC Court of Appeals

Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Roderquiz R. Cook
Appellate Case No. 2013-000819

Dear Ms. Kitchings:

Enclosed please find a Motion to Enlarge Time for Filing Initial Brief of Respondent in the above-referenced case for filing. By copy of this letter, I am serving opposing counsel with same.

Thank you for your consideration.

Sincerely,

Lonetta B. Brawley
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/lbb
Enclosure

cc: Jared C. Williams, Esquire
Robert M. Dudek, Esquire