

STATE OF SOUTH CAROLINA
IN THE 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.

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SC Court of Appeals

**MOTION FOR THIRD 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, April 30, 2014, upon this Court's grant of Respondent's second request for an extension filed on April 1, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since March 31, 2014. Specifically,

1. Counsel prepared 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 on March 31, 2014;

RIB 3rd

2. Counsel is currently preparing the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Daqwan Johnson, a direct appeal in a Richland County murder case now pending before the South Carolina Court of Appeals; same has been extended four times and was due to be filed on Wednesday, April 9, 2014. Counsel prepared a Motion to Hold Time Limits for Filing Initial Brief of Respondent and Designation of Matter in Abeyance until Appellant provides a complete record of transcripts in this matter;

3. Counsel was out of the office on sick leave Friday, April 18, 2014;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Jerry Marvin Galbreath, #131740 vs. Leroy Cartledge, C/A No. 1:14-110-RMG-SVH on Monday, April 28, 2014. Said Return was 102 pages in length;

5. Counsel is preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Jerrod Smith, #332154 vs. Warden, Lieber Correctional Institution, C/A No. 4:13-3090-JFA-TER which is currently due on May 23, 2014. Due to a misspelling of the Petitioner's first name, all of the files were not initially ordered. The 2011 post-conviction relief appeal file has since been pulled and is in the possession of the respondent; and

6. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Stacy Evans, #152040 vs. Warden Cartledge, C/A No. 0:13-2637-TMC-PJG which is currently due on May 5, 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

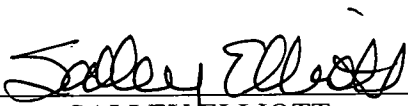
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By: 
WILLIAM EDGAR SALTER, III

By: 
SALLEY ELLIOTT,
Senior Assistant Deputy Attorney General,
on behalf of DONALD J. ZELENKA,
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

April 30, 2014.

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THE STATE,

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vs.

NATHANIEL B. BEEKS,

Appellant.

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 third 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 30th day of April, 2014.



WILLIAM EDGAR SALTER, III
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(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

April 30, 2014

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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, April 30, 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 Third 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.)