

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lexington County  
Lee Alford, Circuit Court Judge

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Appellate Case No. 2013-000819

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**RECEIVED**

MAY 16 2014

**SC Court of Appeals**

**THE STATE,**

**RESPONDENT,**

v.

**RODERQUIZ R. COOK,**

**APPELLANT**

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

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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 June 13, 2014. This matter was due on May 14, 2014. This final request is due to other business personal events in state and federal court. Below-signed counsel has contacted the office of opposing counsel Jared Williams this date concerning this request, but have not received the position at this time.

I.

Since the initial request, counsel filed a Return for filing in the federal habeas action of Jabbar Straws v. Warden on May 1, 2014, filed of a Brief in Opposition for the U.S. Supreme Court in Billy W. Cope v. State yesterday on May 13, 2014; completed Brief of Petitioner State of South Carolina on certiorari in John Kennedy Hughey v. State death penalty PCR appeal on

May 14 for filing May 16, completed Return to Petition for Writ of Certiorari on May 14 for filing in the South Carolina Court of Appeals.

In addition, below-signed counsel 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 for death penalty PCR hearing on April 14-16, 21-25, 2014 and April 30, 2014 before Judge Cole in Andres Torres v. State , filed court ordered response to motion in federal habeas action of Patrick Roberts v. Warden on April 17; oral argument in State v. Victor White on May 6, 2014; oral argument on May 5, 2014 in State v. Reginald Canty in the South Carolina Court of Appeals;

Respondent has due in an Initial Brief of Respondent in State v. Tamar Bryant on June 4, 2014; federal habeas return due in Tiffany Elmore v. Warden on June 4, 2014; federal habeas corpus return due in Mecca Evans v. Warden on June 4, 2014; initial brief of Respondent due in State v. Marc Palmer on May 12, 2014; initial brief of Respondent in State v. Roderquiz Cook (4<sup>th</sup>) due on May 14, 2014; Brief of Petitioner in S.C. Supreme Court in John K. Hughey v. State death penalty certiorari case due May 16, 2014; federal habeas return due on May 16, 2014 in Tyco Jacobs v. State (extended twice), federal habeas return due in Robert Whittaker v. Warden on May 16, 2014; a federal habeas return due on May 19, 2014 in James Bowers v. Warden; initial brief of Respondent due on May 21 in State v. Thomas Stewart (extended twice), a federal habeas corpus return due on May 21 in Kenny Sowell v. Warden, an initial brief of respondent due on May 23, 2014 in State v. Kevin Letmon (extended once), an initial brief of respondent in State v. Cleopus Edwards (4 extensions) due May 23, 2014, a federal habeas corpus return due in Bryan Ladner v. Warden on May 28, 2014; a federal habeas return due in

Kevin Mellette v. Warden on May 28; a federal habeas return due in Bobby Rice v. Warden on May 27, 2014. Return to Petition for Writ of Certiorari in Herman Hughes v. State in the Court of Appeals projected to be due on May 28, 2014; federal habeas corpus return due May 28 in Bryan Ladner v. Warden ; and a federal habeas return due in Keven Mellette on May 28, 2014.

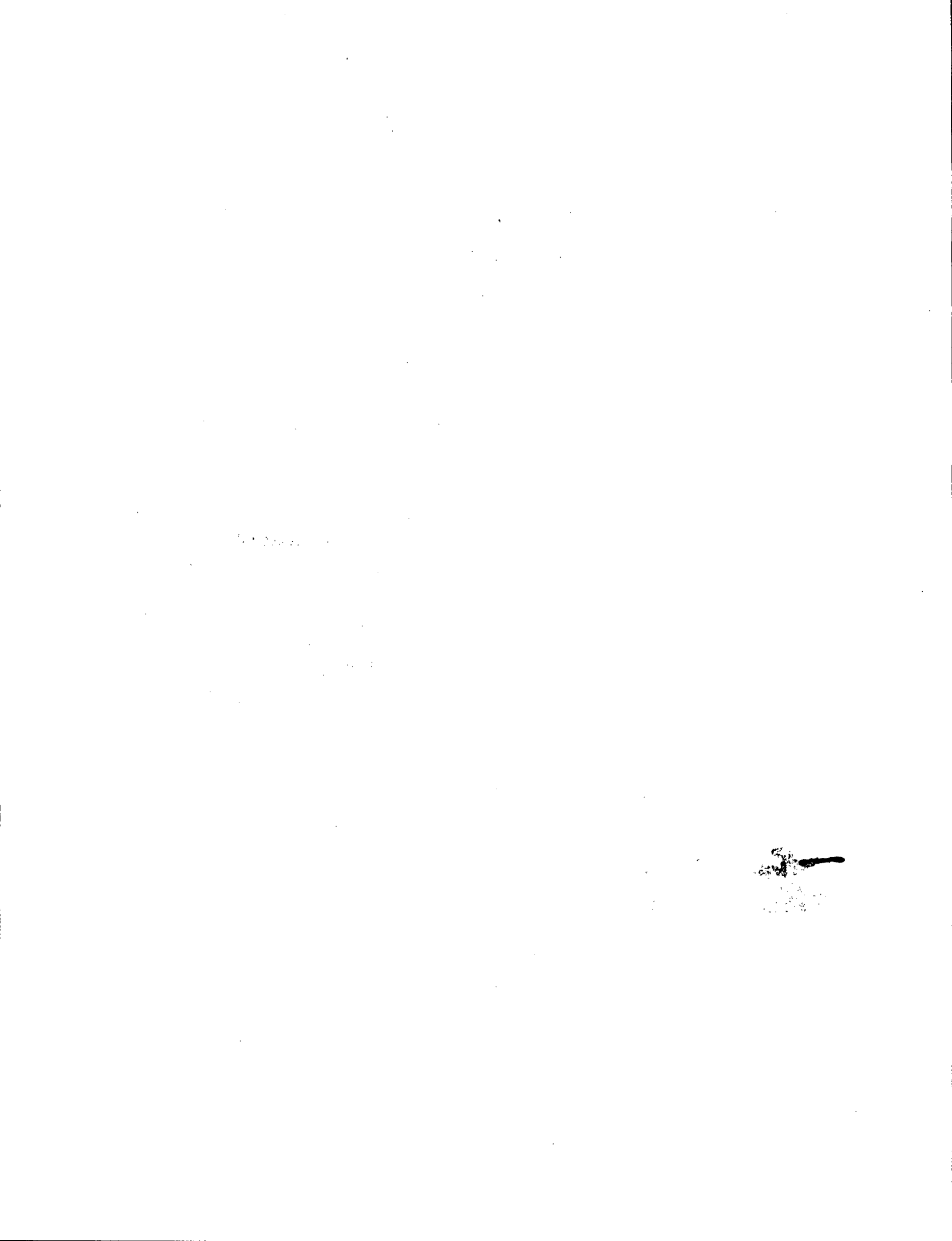
### III.

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

1. Brief in Opposition in the United States Supreme Court in Billy Wayne Cope v. South Carolina filed on *May 13, 2014*.
2. Return to Certiorari – Orlando Smith v. State (DNA Access Appeal) (4<sup>th</sup> extension) – completed on May 14, 2014 for filing May 16.
3. Initial Brief of Respondent in State v. Cleopus Edwards (4 extensions) due May 23, 2014.
4. Return to Petition for Writ of Certiorari in Herman Hughes v. State in the Court of Appeals projected to be due on May 28, 2018.
5. Federal Habeas Return due on May 16, 2014 in Tyco Jacobs v. State (extended twice),
6. **Initial brief of Respondent in State v. Roderquiz Cook (5<sup>th</sup>) projected due on June 13, 2014,**
7. Brief of Petitioner in S.C. Supreme Court in John K. Hughey v. State death penalty certiorari case. – due May 16, 2014 – prepared for filing on May 14, 2014 .

### 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 June 13, 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

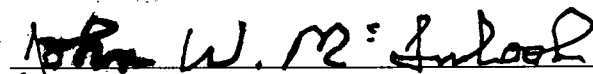
**ATTORNEYS FOR RESPONDENT**

By: 

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

May 14, 2014

I concur that extraordinary circumstances have been shown for this request.

  
John W. McIntosh  
Chief Deputy Attorney General

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appellate Case No. 2013-000819

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**THE STATE,**

**RESPONDENT,**

v.

**RODERQUIZ R. COOK,**

**APPELLANT**

---

**CERTIFICATE OF SERVICE**

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*I, Donald J. Zelenka*, hereby certify that I have served Respondents **Motion to Enlarge**

**Time for Filing Initial Brief of Respondent on:**

Jared C. Williams, Esquire  
Lawton Law Firm, LLC  
496 Bramson Ct., Suite 100  
Mt. Pleasant, SC 29464

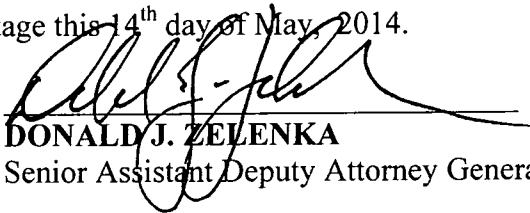
Robert M. Dudek, Esquire  
Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201

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**SC Court of Appeals**

by depositing a copy in the Mail with sufficient postage this 14<sup>th</sup> day of May, 2014.

  
DONALD J. ZELENKA

Senior Assistant Deputy Attorney General



ALAN WILSON  
ATTORNEY GENERAL

May 14, 2014

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

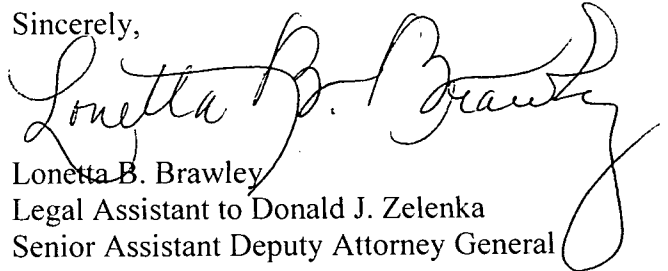
Re: The State v. Roderquiz R. Cook  
Appellate Case No. 2013-000819

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

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**SC Court of Appeals**



POST OFFICE BOX 11549  
COLUMBIA, SOUTH CAROLINA 29211-1549

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

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