

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County
J. Michael Baxley, Circuit Court Judge

Appellate Case No. 2012-213655

THE STATE,

RESPONDENT, RECEIVED

v.

MAY 21 2014

THOMAS STEWART,

SC Court of Appeals

APPELLANT

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

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#1

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 from May 21, 2014 to June 20, 2014. This third request is due to other business personal events in state and federal court. Below-signed counsel has received consent this date to this request. Opposing counsel Jarrett Coco has advised me by email that he consents to this request.

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 on May 13, 2014; filed a Brief of Petitioner State of South Carolina on certiorari in John Kennedy Hughey v. State death penalty PCR appeal on May 16,

2014; filed a Return to Certiorari in the Court of Appeals on May 15, 2014 in Orlando Smith v. State involving an appeal from a denial of a DNA application; filed a Return and Memorandum of Law in the federal habeas action in Tyco Jacobs v. Warden on May 16, 2014; filed a federal habeas return, memorandum of law and motion to dismiss in James Bowers v. Warden on May 19, 2014, and is preparing for filing on May 23, 2014 an Initial Brief of Respondent in Cleophus Edwards v. State.

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; 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 the next thirty days an 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 return due in Bobby Rice v. Warden on May 27, 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 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 Kevin Mellette v. Warden on May 28, 2014; a 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 in State v. Roderquiz Cook (4th) due on June 13, 2014; federal habeas return due in Robert Whittaker v. Warden on June 15, 2014; initial brief of Respondent in State v. Antonio Gordon on June 20, 2014.

II.

Counsel has contacted opposing counsel Jarrett Coco who advises that he has no objection to this request.

III.

Wherefore Respondents respectfully request an extension of a period of thirty days up to and including June 20, 2014 to complete this Initial Brief of Respondent.

Respectfully submitted,

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

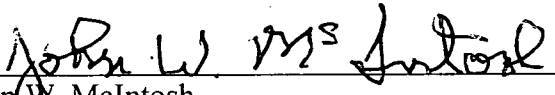
ATTORNEYS FOR RESPONDENT

By: 

Donald J. Zelenka
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
SC Bar # 5758
803-734-6305

May 21, 2014

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


John W. McIntosh
Chief Deputy Attorney General

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Lee Alford, Circuit Court Judge

Appellate Case No. 2013-000819

THE STATE,

RESPONDENT,

v.

RODERQUIZ R. COOK,

APPELLANT

CERTIFICATE OF SERVICE

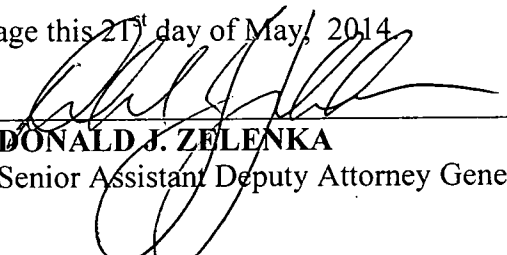
I, Donald J. Zelenka, hereby certify that I have served Respondents **Motion to Enlarge**

Time for Filing Initial Brief of Respondent on:

Jarrett O. Coco, Esquire
Nelson Mullins Riley and Scarborough LLP
1320 Mains Street – 17th Floor
PO Box 11070
Columbia, SC 29211-1070

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

by depositing a copy in the Mail with sufficient postage this 21st day of May, 2014.



DONALD J. ZELENKA

Senior Assistant Deputy Attorney General

Lonnie Brawley

From: Jarrett Coco <jarrett.coco@nelsonmullins.com>
Sent: Wednesday, May 21, 2014 12:17 PM
To: Don Zelenka
Cc: Lonnie Brawley
Subject: RE: State v. Thomas Stewart - Initial Brief of Respondent - 3rd Request for an Extension

Mr. Zelenka,
I don't object.

Thanks,

Jarrett Coco | NELSON MULLINS RILEY & SCARBOROUGH LLP |
(e) jarrett.coco@nelsonmullins.com | (p) 803.255.5536 | (f) 803.256.7500

From: Don Zelenka [<mailto:DZelenka@scag.gov>]
Sent: Tuesday, May 20, 2014 6:01 PM
To: Jarrett Coco
Cc: Lonnie Brawley
Subject: State v. Thomas Stewart - Initial Brief of Respondent - 3rd Request for an Extension

Dear Mr. Coco –

Attached is a proposed extension request in the Stewart direct appeal. Please advise me of your position by email and we will include it for the Court. I am out of town today so a response to the email will go to my administrative assistant – Lonnie Brawley.

Sincerely,

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

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This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.



ALAN WILSON
ATTORNEY GENERAL

May 21, 2014

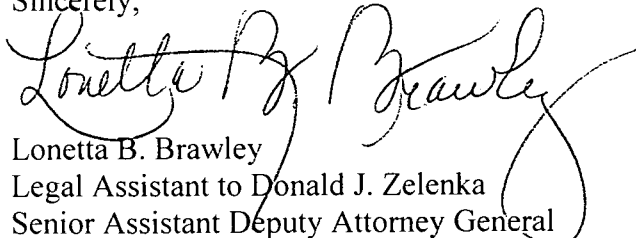
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Thomas Stewart
Appellate Case No. 2012-213655

Dear Ms. Kitchings:

Enclosed please find a Motion to Enlarge Time for Filing Initial Brief of Respondent and Designation of Matter in the above-captioned matter for filing in your office. By copy of this letter, I am serving opposing counsel with same.

Sincerely,


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

/lbb
Enclosure

cc: Jarrett Coco, Esquire
Robert M. Dudek, Esquire

RECEIVED
MAY 21 2014
SC Court of Appeals