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MAY 23 2014

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

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

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

**Appeal from Lexington County
Doyet A. Early, III, Circuit Court Judge**

Appellate Case No. 2012-213596

THE STATE,

RESPONDENT,

v.

CLEOPUS N. EDWARDS, Jr.,

APPELLANT

**RESPONDENT'S MOTION TO EXTEND FILING OF
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER FOR TWO
WEEKS UNTIL JUNE 6, 2014.**

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 23, 2014 to June 6, 2014. This fifth and final request is due to other business personal events in state and federal court and the need to review taped recordings involved in this matter. Below-signed counsel is advising opposing counsel Arthur K. Aiken by copy of this motion this date and will request his consent

I.

Since the prior 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.

Below-signed counsel submits that there are three highest priorities to complete above the rest:

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1. **State v. Roderquiz Cook – Initial Brief of Respondent projected due June 13, 2014 (4th extension).**
2. **State v. Cleopus Edwards - Initial Brief of Respondent in due projected June 6, 2014.**
3. **Herman Hughes v. State – Return to Petition for Writ of Certiorari.**

III.


Wherefore Respondents respectfully request an extension of a period of thirty days up to and including June 6, 2014 to complete this Initial Brief of Respondent.

Respectfully submitted,

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

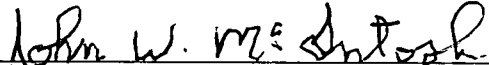
ATTORNEYS FOR RESPONDENT

by
64.

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

May 23, 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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Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2012-213596

THE STATE,

RESPONDENT,

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CLEOPUS N. EDWARDS, Jr.,

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:

Arthur K. Aiken
2231 Devine Street, Suite 201
Columbia, South Carolina 29205

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 23rd day of May, 2014.



DONALD J. ZELENSKA
Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

May 23, 2014

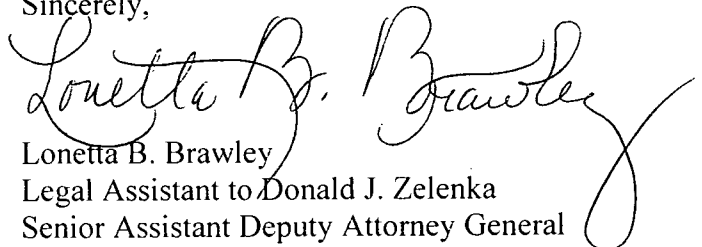
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Cleophus Edwards
Appellate Case No. 2012-213596

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: Arthur Aiken, Esquire
Robert M. Dudek, Esquire

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