

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**RECEIVED**

MAY 23 2014

**SC Court of Appeals**

Appeal from Spartanburg County  
J. Derham Cole, Circuit Court Judge

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Appellate Case No. 2012-213672

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**THE STATE,**

**RESPONDENT,**

v.

**KEITH LETMON,**

**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 from May 23, 2014 until June 22, 2014. This is the third request and is due to other business personal events in state and federal court. Counsel has contacted Robert Dudek who has advised of his consent.

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

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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 attempted to contact opposing counsel Robert Dudek 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 22, 2014 to complete this Initial Brief of Respondent.

Respectfully submitted,

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

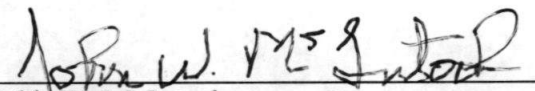
**ATTORNEYS FOR RESPONDENT**

By: 

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

May 23, 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

**RECEIVED**  
MAY 23 2014  
SC Court of Appeals

**THE STATE,**

**RESPONDENT,**

v.

**RODERQUIZ R. COOK,**

**APPELLANT**

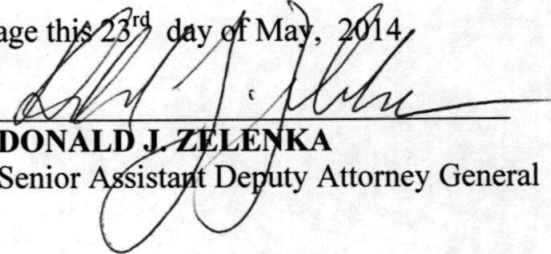
**CERTIFICATE OF SERVICE**

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

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

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 23<sup>rd</sup> day of May, 2014.

  
**DONALD J. ZELENKA**  
Senior Assistant Deputy Attorney General

## **Lonnie Brawley**

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**From:** Robert M. Dudek <RDudek@sccid.sc.gov>  
**Sent:** Tuesday, May 20, 2014 6:32 PM  
**To:** Don Zelenka  
**Cc:** Robert M. Dudek; Lonnie Brawley  
**Subject:** Re: State v. Keith Letmon - Initial Brief of Respondent Request

I consent.

Sent from my iPhone

On May 20, 2014, at 5:38 PM, "Don Zelenka" <[DZelenka@scag.gov](mailto:DZelenka@scag.gov)> wrote:

Bob –

I am requesting an extension from Friday May 23 for thirty days in the Letmon initial brief. This is a third request. Please advise of your consent. .

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](mailto:dzelenka@scag.gov)



ALAN WILSON  
ATTORNEY GENERAL

May 23, 2014

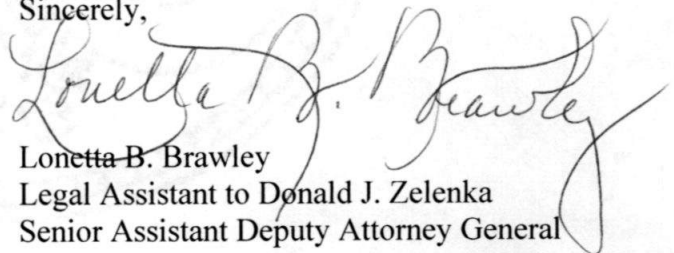
Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Re: The State v. Keith Letmon  
Appellate Case No. 2012-213672

Dear Ms. Kitchings:

Enclosed please find a Motion to Enlarge Time for Filing Initial Brief of Respondent 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: Robert M. Dudek, Esquire

**RECEIVED**

MAY 23 2014

**SC Court of Appeals**