

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

Appeal from Orangeburg County
Diane Schafer Goodstein, Circuit Court Judge

Appellate Case No. 2013-001342

THE STATE,

Respondent,

vs.

LAMONT ANTONIO SAMUEL,

Appellant.

**MOTION FOR SECOND 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, June 2, 2014, upon this Court's grant of Respondent's first request for an extension filed on May 6, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since May 2, 2014. Specifically,

1. Counsel prepared 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 on May 5, 2014;

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2. Counsel presented oral argument on behalf of the State before the South Carolina Court of Appeals in the Richland County murder appeal matters of The State vs. Henry Gray, Appellate Case No. 2012-209426, and The State vs. Robin Reese, Appellate Case No. 2012-209826 on May 13, 2014;

3. Counsel prepared the Respondent's Response to Order filed on April 30, 2014 [Doc. #26] and Opposing Motion to Subpoena in the matter of William A. Avinger, II, #319774 vs. Warden, MacDougal Correctional Institution, C/A No. 9:13-2736-JFA-BM on May 15, 2014;

4. Counsel prepared the Brief of Petitioner by Respondent-Petitioner in the capital Post-Conviction Relief appeal matter of Jonathan Kyle Binney vs. The State, which is before the South Carolina Supreme Court on May 15, 2014;

5. Counsel prepared 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 on May 23;

6. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Brian Douglas Laws, #222070 vs. Warden, Lee Correctional Institution, C/A No. 0:13-3131-GRA-PJG on May 30, 2014;

7. Counsel prepared the Respondent's Response Opposing Motion for Hearing in the matter of Detrick Freeman, #328569 vs. Warden McCall, C/A No. 1:12-01105-CMC, also on May 30, 2014;

8. Counsel is currently preparing the Respondent's Response in Opposition to Motion for Relief [Doc. #194] in the matter of Robert Holland Koon, #227826 vs. Colie Rushton, Warden of McCormick Correctional Institution; and Alan Wilson, Attorney General of the State of South Carolina, C/A No.: 8:05-2523-RBH which is due today, June 2, 2014; and

9. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Alvin Keith Brown, Jr., #302968 vs. Warden of Kirkland Correctional Institution, C/A No. 5:13-2680-RMG-KDW.

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

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
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WILLIAM EDGAR SALTER, III
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By: 
WILLIAM EDGAR SALTER, III

ATTORNEYS FOR RESPONDENT

June 2, 2014.

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THE STATE,

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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 second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Robert M. Pachak, 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 2nd day of June, 2014.



WILLIAM EDGAR SALTER, III
Office of the Attorney General
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(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

June 2, 2014

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *The State vs. Lamont Antonio Samuel*
Appeal from Orangeburg County
Appellate Case No. 2013-001342

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, June 2, 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 Second 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: Robert M. Pachak, Esq. (w/two copies of encls.)

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