

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

Appeal from Richland County
The Honorable Clifton Newman, Circuit Court Judge

Appellate Case No. 2012-212387

RECEIVED
OCT 06 2014
SC Court of Appeals

THE STATE,

Respondent,

vs.

AHMAD JAMAL WILKINS,

Appellant.

**MOTION FOR THIRD 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, October 6, 2014, upon this Court's grant of Respondent's second request for an extension filed on September 9, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since September 5, 2014. Specifically,

1. Counsel prepared the Brief of Respondent by Respondent-Petitioner in the matter of Jonathan Kyle Binney vs. State of South Carolina, a capital post-conviction relief appeal currently in the South Carolina Supreme Court on September 5, 2014;
2. Counsel prepared the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Daqwan M. Johnson, a Richland County direct appeal matter on September 10, 2014;
3. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Cody Sintell Waters, #328607 vs. Dennis Bush, C/A No.: 9:14-2003-MGL-BM on September 12, 2014;
4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Dwayne R. Clark, #338315 vs. Warden Busch, C/A No.: 9:14-2002-TMC-BM on September 19, 2014;
5. Counsel was on annual leave from Monday, September 15, 2014 through Friday, September 19, 2014. Counsel was also out of the office from September 22, 2014 and September 23, 2014 at the 2014 South Carolina Solicitor's Association Annual Conference, Hilton Head Island, South Carolina;
6. Counsel prepared the Respondent's Return to Motion to Suspend Appeal and for Leave to File Motion for a New Trial Based on After-Discovered Evidence on September 29, 2014, in the Georgetown County murder appeal matter of The State of South Carolina vs. Jody Lynn Ward, which is now pending before the South Carolina Court of Appeals;
7. Counsel participated in a telephone status conference on September 30, 2014 with the Honorable Alexander S. Macaulay in the Lexington County Capital Post-Conviction Relief matter of Norman Starnes vs. State of South Carolina, Case No. 2011-CP-32-830;

8. Counsel filed Respondent's Amended Return and Motion to Dismiss in the Capital Post-Conviction Relief matter of Gary Dubose Terry, #5054 vs. State of South Carolina, Case No. 2012-CP-32-02718 on October 2, 2014;

9. Counsel filed Respondent's Response to Text Order filed September 15, 2014 (Doc. #32) on October 3, 2014 in the matter of Terriel L. Mack, #312070 vs. Larry Cartledge, Warden, C/A No. 9:14-295-TMC-BM;

10. Counsel attended the Appointment of Counsel Hearing today, October 6, 2014, in the Capital Post-Conviction Relief Matter of Brad K. Sigmon vs. State of South Carolina, Case No. 2014-CP-23-4632 before the Honorable J.C. Nicholson in Richland County; and

11. Counsel prepared the Final Brief of Respondent in the matter of The State vs. Lamont Antonio Samuel, an Orangeburg County direct appeal matter today, October 6, 2014.

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 Initial 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
No. 4425

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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(803) 734-6305

By: 

WILLIAM EDGAR SALTER, III

By: 

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

October 6, 2014.

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AHMAD JAMAL WILKINS,

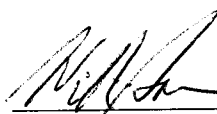
Appellant.

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 third extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Susan Hackett, 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 6th day of October, 2014.



WILLIAM EDGAR SALTER, III
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ALAN WILSON
ATTORNEY GENERAL

RECEIVED

OCT 06 2014

Court of Appeals

October 6, 2014

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

Re: *The State v. Ahmad Jamal Wilkins*
Appeal from Richland County
Appellate Case No. 2012-212387

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, October 6, 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 Extension to File Initial Brief of Respondent and Designation of Matter. I am advising counsel for Appellant by copy of this letter.

Sincerely

William Edgar Salter, III
Senior Assistant Attorney General

WES/dmd
Enclosures
cc: Susan B. Hackett, Esq. (w/two copies of encls.)