

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

Appeal from Richland County
The Honorable DeAndrea G. Benjamin, Circuit Court Judge

Appellate Case No. 2013-001238

THE STATE,

Respondent,

vs.

BRETT D. PARKER,

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, December 1, 2014, upon this Court's grant of Respondent's first request for an extension filed on November 4, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since October 31, 2014. Specifically,

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1. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Phillip J. Miller, #304241 vs. Joseph McFadden, C/A No.: 2:14-02754-MGL-WWD on October 31, 2014;

2. On November 3, 2014 counsel presented oral argument on behalf of the State before the South Carolina Court of Appeals in the matter of The State vs. Darryl Drayton, a direct appeal in a Charleston County murder case;

3. Counsel prepared the Initial Brief of Respondent in the Richland County murder appeal matter of The State vs. Ahmad Wilkins, on November 5, 2014;

4. Counsel filed the Return to Petition for Stay of Execution in the Spartanburg County Capital Post-Conviction Relief appeal matter of Richard Bernard Moore v. State of South Carolina on November 6, 2014, which is presently pending in the South Carolina Supreme Court;

5. Counsel prepared the Respondent's Response to Motion for Default Judgment (Doc. #18) in the matter of Timothy Charley, #265146 vs. John Pate, C/A No.: 6:14-3568-JMC-KFM also on November 6, 2014;

6. Counsel was out of the office on annual leave on Friday, November 7, 2014;

7. On November 13, 2014 counsel represented the State before the Honorable J.C. Nicholson for a scheduling conference at the Charleston County Courthouse in the capital post-conviction relief matter of Brad K. Sigmon v. State of South Carolina, 2014-CP-23-4632;

8. Counsel prepared Respondent's Motion to Dismiss Appeal as Moot in the Spartanburg County murder appeal matter of The State vs. Charvus Nesbitt on November 18, 2014;

9. Counsel presented oral argument on behalf of the State before the Supreme Court of South Carolina in the matter of The State vs. Charvus Tarrel Nesbitt, a direct appeal in a Spartanburg County murder case on November 19, 2014;

10. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Robert F. Grant, #277198 vs. Cecilia Reynolds, C/A No.: 9:14-2890-JMC-BM on November 21, 2014;

11. Counsel was out of the office on annual leave on Friday, November 21, 2014; and

12. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Timothy Charley, #265146 vs. John Pate, C/A No. 6:14-03568-BHH-KFM on November 26, 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,

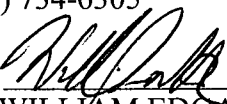
ALAN WILSON
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Senior Assistant Attorney General

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(803) 734-6305

By: 
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

December 1, 2014.

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

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The Honorable DeAndrea G. Benjamin, Circuit Court Judge

Appellate Case No. 2013-001238

THE STATE,

Respondent,

vs.

BRETT D. PARKER,

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 second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorneys of record:

John S. Nichols, Esq.
Bluestein, Nichols, Thompson, Delgado, LLC
P.O. Box 7965
Columbia, SC 29202

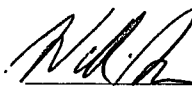
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I further certify that all parties required by Rule to be served have been served.

This 1st day of December, 2014.



WILLIAM EDGAR SALTER, III
Office of the Attorney General
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Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

December 1, 2014

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

Re: *The State v. Brett D. Parker*
Appeal from Richland County
Appellate Case No. 2013-001238

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, December 1, 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. I have contacted counsel for Appellant regarding this extension request.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES/dmd

Enclosures

cc: John S. Nichols, Esq. (w/two copies of encls.)
John D. Delgado, Esq. (w/two copies of encls.)
Ernest Latony Dessausure, Esq. (w/two copies of encls.)

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