

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

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

Appellate Case No. 2013-001238

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**RECEIVED**

DEC 31 2014

**SC Court of Appeals**

THE STATE,

Respondent,

vs.

BRETT D. PARKER,

Appellant.

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**MOTION FOR THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND  
DESIGNATION OF MATTER**

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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 31, 2014, upon this Court's grant of Respondent's second request for an extension filed on December 4, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 1, 2014. Specifically,

1. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Nathaniel Muhammad, #307236 vs. Warden Cartledge, C/A No. 2:14-3156-DCN-WWD on December 5, 2014;

2. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Charles W. McCormick, #326467 vs. Warden McFadden, C/A No. 0:14-03176-RBH-PJG on December 9, 2014;

3. Counsel was out of the office on annual leave on Tuesday, December 9, 2014;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Johnny Lee Paden, #154700 vs. Larry Cartledge, C/A No. 6:14-3335-TMC-KFM on December 15, 2014;

5. Counsel filed the Respondent's Response to Motion for Stay of Execution and Appointment of Counsel on December 16, 2014 in the matter of Richard Bernard Moore, #5023 vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden, Warden, Lieber Correctional Institution, C/A No. 4:14-4691-MGL-TER, a Spartanburg County Capital case now pending in the United States District Court for the District of South Carolina;

6. On December 18, 2014 counsel attended a hearing on a motion to stay the post-conviction relief proceedings before the Honorable J. Mark Hayes, III in the matter of John Richard Wood vs. State of South Carolina, Case No. 2013-CP-23-05190, a Greenville County Capital Post-Conviction Relief matter;

7. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of George Ralph Lindsey, #317562 vs. Warden, Leroy Cartledge, C/A No. 1:14-2751-DCN-SVH on December 19, 2014;

8. Counsel prepared the Final Brief of Respondent in the matter of The State vs. Ahmad Jamal Wilkins, a Richland County murder appeal matter on December 22, 2014; and

9. Counsel was out of the office on sick leave December 22<sup>nd</sup>, December 23<sup>rd</sup>, and December 29, 2014. Counsel is also out of the office today, December 31, 2014 on annual leave.

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,

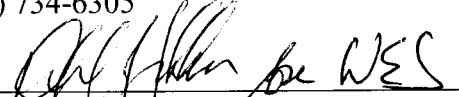
ALAN WILSON  
Attorney General

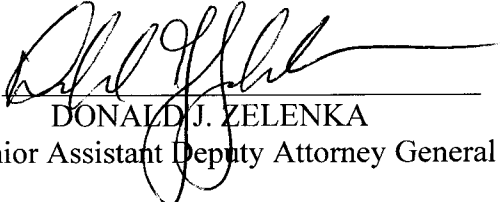
JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

WILLIAM EDGAR SALTER, III  
Senior Assistant Attorney General

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By:   
Donald J. Zelenka, Senior Assistant  
Deputy Attorney General on behalf of  
WILLIAM EDGAR SALTER, III

By:   
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

December 31, 2014.

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

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The Honorable DeAndrea G. Benjamin, Circuit Court Judge

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**PROOF OF SERVICE**

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I, Donald J. Zelenka, Esq., on behalf of 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 attorneys of record:

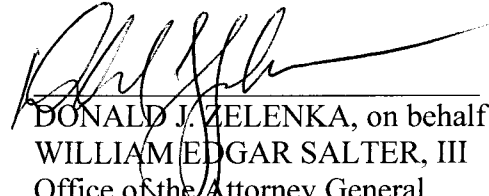
John S. Nichols, Esq.  
Bluestein, Nichols, Thompson, Delgado, LLC  
P.O. Box 7965  
Columbia, SC 29202

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

Ernest Latony Dessausure, Esq.  
Dessausure Law Firm  
1928 Barnwell Street  
Columbia, SC 29201

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

This 31<sup>st</sup> day of December, 2014.



DONALD J. ZELENKA, on behalf of  
WILLIAM EDGAR SALTER, III  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305



ALAN WILSON  
ATTORNEY GENERAL

RECORDED

DEC 31 2014

SC Court of Appeals

December 31, 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 31, 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 Third Extension to File Initial Brief of Respondent and Designation of Matter. I have contacted counsel for Appellant regarding this extension request, and have obtained consent from John S. Nichols, Esq.

Sincerely,

Donald J. Zelenka, Senior Assistant Deputy  
Attorney General on behalf of  
William Edgar Salter, III  
Senior Assistant Attorney General

DJZ/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.)