

**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

RECEIVED
JAN 30 2015
SC Court of Appeals

THE STATE,

Respondent,

vs.

BRETT D. PARKER,

Appellant.

**MOTION FOR FOURTH 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, January 30, 2015, upon this Court's grant of Respondent's third request for an extension filed on January 13, 2015.

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

1. Counsel was out of the office on December 31, 2014 on annual leave;

2. Counsel prepared a Response in Opposition to Motion for Production of Document – Telephone Record (Ent. #43) in the matter of Timothy Charley, #265146 vs. John Pate, Case No. 6:14-3568-JMC-KFM on January 8, 2015;

3. On January 13, 2015, counsel presented oral argument on behalf of the State before the South Carolina Supreme Court in the capital post-conviction relief appeal matter of Jonathan Kyle Binney, #6009 vs. State of South Carolina;

4. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Douglas Lamont Rice, #319577 vs. Warden Leroy Cartledge, C/A No. 6:14-3748-RMB-KFM on January 15, 2015;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Clyde L. McBride, #237724 vs. Warden Cartledge, C/A No. 0:14-3830-TLW-PJG on January 20, 2014;

6. Counsel also prepared a Response to Petitioner’s Reply to Respondent’s Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Phillip Jimmie Miller, #304241 vs. Joseph McFadden, Warden of Lieber Correctional Institution, C/A No. 2:14-02754-MGL-MGB on January 21, 2015;

7. Counsel has also completed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Clarence Austin Harrison, #291401 vs. Tim Riley, C/A No. 2:14-3801-BHH-MGB, which will be filed on or before on February 6, 2015;

8. Counsel prepared a proposed Order Denying Motion to Stay Proceedings Pending Decision of South Carolina Supreme Court in *Robertson v. South Carolina*, in the Lexington County capital post-conviction relief matter of Gary Dubose Terry, #5054 vs. State of South

Carolina. This matter is currently before the Honorable William P. Keesley and was prepared in response to Judge Keesley's request to do so on January 22, 2015;

9. Counsel attended an evidentiary hearing before the Honorable Kevin F. McDonald, United States Magistrate Judge yesterday, January 29, 2015 in the matter of Abdiyyah Ben Alkebulanyahh, #6012 vs. William Byars, Jr., Commissioner, SCDC, and Wayne C. McCabe, Warden of Lieber Correctional Institution, C/A No. 6:13-00918-TLW-KFM, a federal habeas action in a capital case that is now pending in the United States District Court for the District of South Carolina; and

10. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Harold Jamar Wilson, #306094 vs. Joseph McFadden, C/A No. 6:14-4287-RBH-KFM which is currently due on February 5, 2015.

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

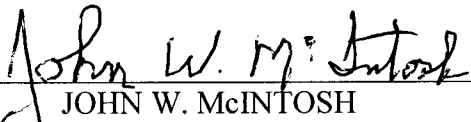
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General

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

By: 
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General

By: 
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

By: 
JOHN W. McINTOSH
Chief Deputy Attorney General

ATTORNEYS FOR RESPONDENT

January 30, 2015.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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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 fourth 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 30st day of January, 2015.



WILLIAM EDGAR SALTER, III
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

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JAN 30 2015

SC Court of Appeals

January 30, 2015

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

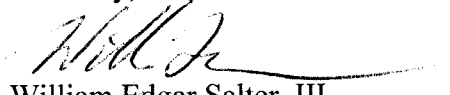
Re: *The State v. Brett D. Parker*
Appeal from Richland County
Appellate Case No. 2013-001238

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, January 30, 2015. 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 Fourth Extension of Time 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,


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.)