

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Appeal from Charleston County
Kristi Lea Harrington, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

RYAN P. DELESTON,

APPELLANT

APPELLATE CASE NO. 2013-002224

**RESPONDENT'S MOTION TO EXTEND TIME TO FILE
INITIAL BRIEF OF RESPONDENT**

2/21
The Respondent, above-named, hereby make a second motion to the Court to extend the time of filing the Initial Brief of Respondent and Designation of Matter until March 21, 2015. The Initial Brief of Respondent in the above action is due to be filed February 19, 2015. This motion is made because the Respondent has not been able to respond within the allotted time for the following reasons:

1. Counsel for the undersigned has had a number of other commitments in State and Federal court that have precluded timely completion of the Return. In the last month, below-signed counsel below-signed counsel was primarily handling a death penalty PCR appeal in the completion of a 168 page certiorari return Charles C. Williams v. State January 30, 2015. In

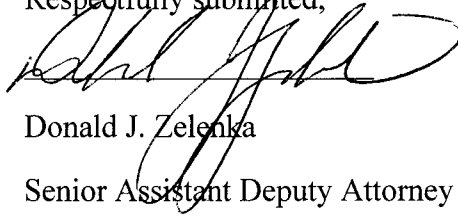
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addition, counsel filed a number of filings in state and federal court including a motion in State v. Jeremy McMillian; a Brief of Respondent with the Solicitor's office in the S.C. Supreme Court in State v. Manuel Marin; a federal habeas return and memorandum on January 14, 2015 in Fred Downer v. Warden; a federal habeas return and memorandum Tyrone Singletary v. Warden on January 14, 2015; an oral argument in the death penalty PCR appeal before the South Carolina Supreme Court in John Hughey v. State on January 15, 2015; a federal habeas corpus return and memorandum in William Owens v. Warden on January 16, 2015; a petition for writ of certiorari in the direct appeal in State v. Daniel D'Angelo Jackson on January 23, 2015 and the death penalty PCR certiorari return of 168 pages in Charles C. Williams v. State on January 30, 2015; oral argument in the Court of Appeals in State v. Keith Letmon on February 3, 2015; court ordered response in the Court of Appeals in Alfonso Ware v. State on February 6, 2015; return and memorandum of law in Douglas Thompson v. Warden on February 6, 2015 and assisted in a Petition for Writ of Certiorari filed in the U.S. Supreme Court on February 9, 2015 in Aiken et. al. v. Byars; on February 9, 2015 made a Response to a Status Report in the federal habeas matter of Joshua Jeter v. Warden; on February 11, 2015 filed a Brief of Respondent in the South Carolina Court of Appeals in Herman L. Hughes v. State, on February 13, 2015 filed a Response to Petition for Court Oversight of Capital PCR Action in the South Carolina Supreme Court in Stephen Stanko v. State; on February 17, 2015 filed a Return and Motion for Sanctions in Christopher Lane v. South Carolina in the original jurisdiction of the South Carolina Supreme Court; and on February 19, 2015 filed a return and memorandum in the federal habeas corpus matter of Michael Anthony Allen v. Warden.

2. Counsel has contacted the office of opposing counsel, Chief Appellate Defender Robert M. Dudek, and he consents to this request on behalf of his client.

Wherefore Respondents respectfully request an extension of a period of thirty days up to and including March 21, 2015 to complete the Initial Brief of Respondent upon a showing of good cause for the request.

Respectfully submitted,



Donald J. Zelenka

Senior Assistant Deputy Attorney General

S.C. Bar # 5758

Attorney for Respondent

February 19, 2015

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ALAN WILSON
ATTORNEY GENERAL

February 19, 2015

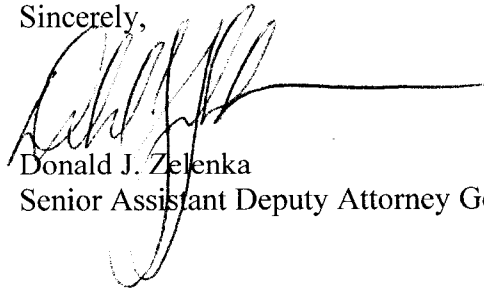
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. Ryan P. Deleston
Appellate Case No. 2013-002224

Dear Ms. Kitchings:

Enclosed please find a Motion to Enlarge Time for Filing Initial Brief of Respondent and Designation of Matter in the above-captioned matter for filing in your office. By copy of this letter, I am serving opposing counsel with same.

Sincerely,



Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/mv

cc: Robert M. Dudek, Chief Appellate Defender
Lara M. Caudy, Appellate Defender