

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lancaster County  
The Honorable R. Knox McMahon, Circuit Court Judge

Appellate Case No. 2014-000603

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**RECEIVED**  
FEB 23 2015  
SC Court of Appeals

THE STATE,

Respondent,

vs.

AL MARTINEZ GREEN,

Appellant.

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**MOTION FOR SECOND 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, February 23, 2015, upon this Court's grant of Respondent's first request for an extension filed on January 29, 2015.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since January 23, 2015. Specifically,

1. On January 28, 2015, 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;

2. Counsel attended an evidentiary hearing before the Honorable Kevin F. McDonald, United States Magistrate Judge on 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;

3. Counsel prepared 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 on February 3, 2015;

4. Counsel prepared 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 on February 5, 2015;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Yahya Muqit a/k/a Yahya Muquit vs. Warden Joseph McFadden, C/A No. 8:14-3555-RBH-JDA on February 11, 2015;

6. Counsel presented oral argument on behalf of the State before the South Carolina Court of Appeals in the Orangeburg County murder appeal matter of The State vs. Lamont Samuel, Appellate Case No. 2013-001342 on February 12, 2015;

7. On February 20, 2015, counsel prepared Respondent's Response in Opposition to Petitioner's Motion for Reconsideration [ECF #61] in the matter of Edward Mack, a/k/a Edward D. Mack, #261986 vs. Leroy Cartledge, Warden, C/A No. 5:13-01021-MGL. Respondent was

directed to prepare this response per Text Order [ECF #63] of the Honorable Mary G. Lewis, United States District Court Judge; and

8. Counsel is currently preparing the Initial Brief of Respondent in the Richland County direct appeal murder case of The State vs. Brett Parker which is currently due on March 2, 2015. The Transcript of Record in this matter is over 3,200 pages; and

9. In an effort to timely meet the deadlines in these cases, counsel has worked every day this month.

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

February 23, 2015.

ATTORNEYS FOR RESPONDENT

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

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**PROOF OF SERVICE**

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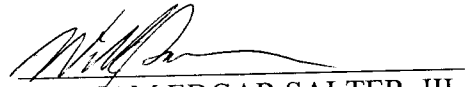
I, William E. Salter, III, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorneys of record:

Jane Hawthorne Merrill, Esq.  
Hawthorne Merrill Law, LLC  
410 Main Street  
Greenwood, SC 29646

Robert M. Dudek, Esq.  
SCCID/Division of Appellate Defense  
1330 Lady Street, Suite #401  
Columbia, SC 29201

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

This 23<sup>rd</sup> day of February, 2015.



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



ALAN WILSON  
ATTORNEY GENERAL

February 23, 2015

**RECEIVED**

FEB 23 2015

**SC Court of Appeals**

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

Re: *The State v. AlMartinez Green*  
Appeal from Lancaster County  
Appellate Case No. 2014-000603

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, February 23, 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 Second Extension to File Initial Brief of Respondent and Designation of Matter. I have obtained consent from counsel for Appellant regarding this extension request.

Sincerely,

William Edgar Salter, III  
Senior Assistant Attorney General

WES/dmd  
Enclosures

cc: Jane H. Merrill, Esq. (w/two copies of encls.)  
Robert M. Dudek, Esq. (w/two copies of encls.)