

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Saluda County
Thomas A. Russo, Circuit Court Judge

Appellate Case No. 2014-000274

RECEIVED
MAR 09 2015
SC Court of Appeals

THE STATE,

Respondent,

vs.

STEVEN OTTS,

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, March 9, 2015, upon this Court's grant of Respondent's first request for an extension filed on February 17, 2015.

Due to the death of Mr. Mabry's mother on Friday, February 27, 2015, counsel for Respondent was out of the office Monday, March 2, 2015 through Wednesday, March 4, 2015;

1. The attorney for the Respondent has had and are scheduled to have a number of State and Federal matters to attend to;

(A) Stanko v. State (Capital PCR)(Stanko II.) preparation for trial *March 2, 2015*

before the Honorable Benjamin Culbertson- including discovery responses to

Applicant's attorneys, various motions, interviewing witnesses, subpoenaing witnesses, and depositions [the trial took place on March 2-3, 2015, but due to bereavement leave, Mr. Zelenka handled this trial for Respondent's attorney];

(B) State v. Kenneth Lynch (Double Murder) **Oral Argument on February 3, 2015 before the S.C. Court of Appeals;**

(C) State v. Kelvin Jackson (Murder)(Initial Brief of Respondent) **in process;**

(D) Review of Orders denying federal habeas petitions, Reports and Recommendations, and *pro se* filings;

(E) State vs. Matthew B. Fullbright (Murder) (Return to Petition for Writ of Certiorari) **filed February 17, 2015** in the S.C. Supreme Court;

(F) Jeter v. Wilson (Federal Habeas Return) **filed Monday, February 2, 2015;**

(G) Favian Hayes v. Warden (Federal Habeas Return) **filed January 28, 2015;**

(H) Naticia Laurent v. Camille Graham Institution (Federal Habeas Return) **filed January 22, 2015;**

(I) State v. Willie Williams (Murder)(Final Brief of Respondent) **filed January 28, 2015** in the S.C. Court of Appeals;

(J) State vs. Matthew B. Fullbright (Murder) (Return to Petition for Writ of Certiorari) **filed February 17, 2015** in the S.C. Supreme Court;

(K) Counsel is currently preparing the Initial Brief of Respondent in this matter;

and other matters;

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 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

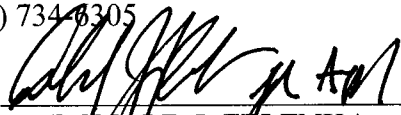
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By:



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
On behalf of Anthony Mabry, Assistant
Attorney General
ATTORNEYS FOR RESPONDENT

March 9, 2015.

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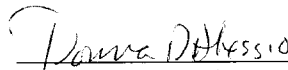
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PROOF OF SERVICE

I, Donna D'Alessio, legal assistant to Anthony Mabry, 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 attorney of record, Susan B. Hackett, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

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

This 9th day of March, 2015.



Donna D'Alessio, Legal Assistant to
Anthony Mabry