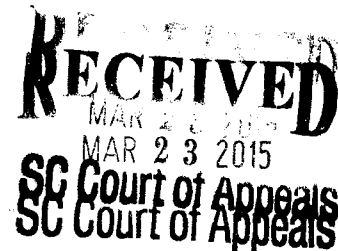


STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Appeal from Charleston County
Kristi Lea Harrington, Circuit Court Judge



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**

The Respondent, above-named, hereby make a third motion to the Court to extend the time of filing the Initial Brief of Respondent and Designation of Matter until April 22, 2015. The Initial Brief of Respondent in the above action is due to be filed March 23, 2015. Respondent's below-signed counsel submits that good cause has been shown:

I.

This motion is made because the Respondent has not been able to respond within the allotted time for the following reasons:

1. Counsel has reviewed the record and an outline of the 1166 page transcript has been prepared. However, final version of the brief has not been completed.

2. 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 filed a return and memorandum in the federal habeas corpus matter of Michael Anthony Allen v. Warden; on February 23, 2015 filed a Response to a petition for rehearing in State v. Jaquwn Brewer in the South Carolina; and on February 23, 2015 filed a response to a Motion for discovery in Bayan Aleksey v. Warden; made a response concerning deficiencies in the record on appeal in Antonio Gordon v. Warden; made a court-ordered return in the federal habeas matter of Kimjaro Presley v. Warden on February 27, 2015; made a Return to Motion for Extraordinary Relief to the Supreme Court in Marion Lindsey v. State filed March 2, 2015, traveled to Conway S.C. and prepared and handled the death penalty PCR hearing in Stephen Stanko v. State before Judge Culbertson on March 2-3, 2015. Until March 11, 2015, below-signed counsel was also actively preparing for depositions on March 12 and a merit hearing on April 27, 2015 in the Stephen Stanko v. State PCR action related to the Georgetown convictions, but due to an intervening issue on March 11 is no longer directly involved in the handling of the matter other than through supervision. Respondent has been actively working on the Return in Stephen Beckham for the federal habeas action due now on March 26, 2015. Respondents also filed a Return to a petition for writ of certiorari on March 19, 2015 in the South Carolina Supreme Court in Sammie Stokes v. State, a death penalty PCR appeal; a petition for rehearing in State v. Keith Letmon on March 19; and a petition for rehearing in State v. Tavarion Brunson on March 19. Counsel has also been working on an Initial Brief of Respondent in State v. Derekee Johnson due March 23 which below-signed counsel

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will also be seeking to extend.

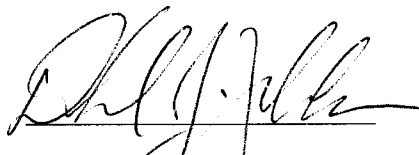
3. Counsel has prioritized the federal habeas corpus return in Stephen Beckham v. Warden due March 26, 2015, the federal habeas corpus return due in Marcus Martin v. Warden due March 27, 2015. Counsel also has an evidentiary hearing in the death penalty PCR of Quincy Allen v. State, presently set to begin on March 30, 2015 before Judge Cothran.

4. 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.

II.

Wherefore Respondents respectfully request an extension of a period of thirty days up to and including April 22, 2015 to complete the Initial Brief of Respondent upon a showing of good cause for the request.

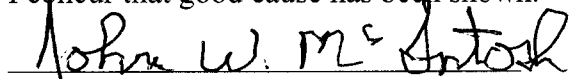
Respectfully submitted,



Donald J. Zelenka
Senior Assistant Deputy Attorney General
S.C. Bar # 5758
Attorney for Respondent

March 23, 2015

I concur that good cause has been shown.



John W. McIntosh

Chief Deputy Attorney General

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

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STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

RYAN P. DELESTON,

APPELLANT

APPELLATE CASE NO. 2013-002224

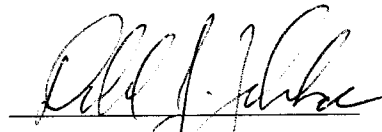
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to extend time to file the State's Initial Brief of Respondent and Designation of Matter in the above referenced case has been served upon counsel for Appellant by depositing one copy of same in the United States Mail, postage prepaid, to each attorney, addressed as follows:

Robert M. Dudek, Esq.
Chief Appellate Defender
SCCID/Division of Appellate Defense
PO Box 11589
Columbia, SC 29211

Lara M. Caudy
Appellate Defender
SCCID/Division of Appellate Defense
PO Box 11589
Columbia, SC 29211

This 23rd day of March, 2015



Donald J. Zelenka
Senior Assistant Deputy Attorney General
Attorney for Respondent



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

March 23, 2015

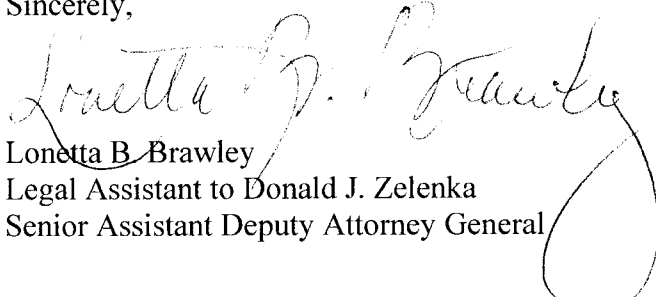
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The 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,



Lonetta B. Brawley
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General

/lbb
Enclosure

cc: Robert M. Dudek, Esquire
Lara M. Caudy, Esquire