

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2014-000594

RECEIVED
MAR 25 2015
SC Court of Appeals

THE STATE,

Respondent,

vs.

DEVATEE TYMAR CLINTON,

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 25, 2015, upon this Court's grant of Respondent's first request for an extension filed on March 6, 2015.

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

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

2. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Michael Shane Johnson, #315435 vs. Robert Stevenson, C/A No. 4:14-3806-JMC-TER, also on March 2, 2015;

3. On March 4, 2015 counsel presented oral argument on behalf of the State before the South Carolina Court of Appeals in the Greenville County murder appeal matter of The State vs. Nathaniel Beeks, Appellate Case No. 2013-001783;

4. Counsel also prepared the Return to Petition for Rehearing in the Charleston County murder appeal matter of The State vs. Darryl L. Drayton, Appellate Case No.: 2012-213295 on March 4, 2015;

5. Counsel prepared Respondent's Response Opposing Motion for Appointment of Counsel in Charles William McCormick, #326467 vs. Warden McFadden, C/A No. 0:14-03176-RBH-PJG on March 6, 2015;

6. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Willie L. Willis, III, #354599 vs. Warden Cothran, C/A No. 8:14-4583-TMC-JDA on March 9, 2015;

7. Counsel also prepared Respondent's Status Report and Motion to Lift Stay in response to Order [Ent. #38] in the matter of Terriel L. Mack, #312070 vs. Larry Cartledge, Warden, C/A No.: 9:14-295-TMC-BM also on March 9, 2015;

8. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Michael Dwight Day, #318713 vs. Warden, Lieber Correctional Institution, C/A No. 5:14-4318-BHH-KDW on March 11, 2015;

9. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Lamont Raphael Briggs, #314499 vs. Warden Perry Correctional Institution, C/A No.: 1:14-4448-RMG-SVH on March 13, 2015;

10. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Kevin Tyrone Gunter, #340548 vs. Warden Chip Stevenson, C/A No.: 0:14-4464-DCN-PJG also on March 13, 2015;

11. Counsel was out of the office on March 16, 2015 on annual leave;

12. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Willie M. Green, #334538 vs. Robert M. Stevenson, III, Warden, C/A No.: 0:14-4407-BHH-PJG on March 19, 2015;

13. Counsel prepared a Response in Opposition to Petitioner's Motion to Amend Petition [ECF #39] in the matter of Joseph L. Hazel, #261496 vs. John Pate, Warden, C/A No. 8:14-4435-TMC-JDA on March 23, 2015. Respondent was directed to prepare this response per Text Order [ECF #40] of the Honorable Jacquelyn D. Austin, United States Magistrate Judge; and

14. Counsel prepared the Amended Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Javon Brown, #272674, a/k/a Jovan T. Brown, a/k/a Jovon Brown vs. Joseph McFadden, Warden, C/A No. 8:14-1269-RBH yesterday, March 24, 2015. Respondent was given leave to refile the Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgment per Order of the Honorable R. Bryan Harwell dated March 2, 2015 [ECF #36].

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
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By: 
WILLIAM EDGAR SALTER, III

March 25, 2015.

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
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THE STATE,

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PROOF OF SERVICE

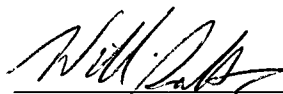
I, William E. Salter, III, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorneys of record:

Chad Johnston, Esq.
Willoughby & Hoefler, P.A.
930 Richland Street
P O. Box 8416
Columbia, SC 29202-8416

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

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

This 25th day of March, 2015.



WILLIAM EDGAR-SALTER, III
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(803) 734-6305



RECEIVED
MAR 25 2015
SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

March 25, 2015

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

Re: *The State v Devatee Tymar Clinton*
Appeal from Lancaster County
Appellate Case No. 2014-000594

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, March 25, 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: Chad Johnston, Esq.
Robert M. Dudek, Esq.