

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL FROM YORK COUNTY
The Honorable Lee S. Alford, Circuit Court Judge
Appellate Case No. 2012-205909

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APR 8 2015

S.C. Supreme Court

JAMES ROBERTSON,

Petitioner,

vs.

THE STATE,

Respondent.

**PETITION FOR SECOND EXTENSION OF TIME TO FILE
BRIEF OF RESPONDENT ON BEHALF OF RESPONDENT**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Brief of Respondent on behalf of the Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

The Brief of Respondent is due today, April 8, 2015, upon this Court's grant of Respondent's first request for an extension filed on March 10, 2015.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since March 9, 2015. Specifically,

1. 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;

2. 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;

3. 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;

4. 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;

5. 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;

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

7. 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;

8. 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;

9. 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 on 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];

10. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Corey J. Robinson, #294233 v. Joseph McFadden, Warden, C/A No.: 5:14-4718-JMC-KDW on March 30, 2015;

11. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Tyrone Lewis, Jr., #331245 vs. Leroy Cartledge, Warden, C/A No.: 2:14-4555-DCN-MGB on April 3, 2015;

12. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Joseph L. Hazel, #261496 vs. John Pate, Warden, C/A No. 8:14-4435-TMC-JDA also on April 3, 2015; and

13. Counsel was on sick leave Monday and Tuesday, April 6-7.

However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Brief of Respondent 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 Brief of Respondent.

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

ATTORNEYS FOR RESPONDENT

April 8, 2015.

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PROOF OF SERVICE

I, William Edgar Salter, III, counsel for the Respondent, certify that I have served the within Petition for Second Extension of Time to File Brief of Respondent, by depositing two (2) copies of the same in the United States mail, first class, postage prepaid, addressed to the attorney of record:

Emily Paavola, Esq.
Death Penalty Resource and Defense Center
900 Elmwood Avenue, Suite 101
Columbia, SC 29201

Keir M. Weyble, Esq.
Cornell Law School
158-B Myron Taylor Hall
Ithaca, New York 14853

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

This 8th day of April, 2015.



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