

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

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

Appellate Case No. 2014-000274

THE STATE,

Respondent,

vs.

STEVEN OTTS,

Appellant.

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

Respondent's Initial Brief is due today, April 8, 2015. 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:

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) Stanko v. State (Stanko I.)(Capital PCR)(Judge Jeffrey Young) Preparation for trial **April 27, 2015**, including deposition on **March 12, 2015**, in Myrtle Beach;

- (C) State v. Lakeithon Hall (Final Brief of Respondent) **filed March 10, 2015 in S.C. Court of Appeals;**
- (D) Orlando Shiver v. Warden (Federal Habeas Return) **filed March 11, 2015 in U.S. District Court;**
- (E) Mason Johnson v. Warden (Federal Habeas Return) **filed March 19, 2015 in U.S. District Court;**
- (F) Review of Orders denying federal habeas petitions, Reports and Recommendations, and *pro se* filings;
- (G) Glenn Pernell v. Warden, (Federal Habeas Return) **filed April 6, 2015 in the U.S. District Court (approximately 85 pages);**
- (H) Ivan Lee v. Warden (Federal Habeas Return) Amended Return and Amended Motion for Summary Judgment **filed in U.S. District Court on March 6, 2015;**
- (I) Cobbert v. Warden (Federal Habeas Matter) Amended Motion for Summary Judgment **filed in U.S. District Court on March 6 2015;**
- (J) Donovan Murray v. Stevenson (Federal Habeas Return) **filed April 1, 2015 in the U.S. District Court;**
- (K) The State v. Marcus Dwain Wright (Final Brief of Respondent) **filed March 26, 2015 in the S.C. Court of Appeals;**
- (L) State v. Antonio Miller (Return to Petition for Writ of Certiorari) **filed in the S.C. Supreme Court on March 27, 2015;**
- (M) State v. Kelvin Jackson (Murder)(Initial Brief of Respondent) **in process; expected to be filed next week;**
- (N) Johnnie Jones v. Warden (Federal Habeas Return) **in process;**

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, for good cause shown, 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
No. 4425

ANTHONY MABRY
Assistant Attorney General
No. 11973
Post Office Box 11549
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(803) 734-6305

By: 

ANTHONY MABRY

I agree that good cause has been shown.

By: 

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

ATTORNEYS FOR RESPONDENT

April 8, 2015.

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CERTIFICATE OF SERVICE

I, Anthony Mabry, hereby certify that I have served Motion for a Third Extension to File Initial Brief of Respondent and Designation of Matter by depositing copy in the Inter Agency mail to Susan B. Hackett, Esq., Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332 this 8th day of April, 2015.



ANTHONY MABRY
Assistant Attorney General



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ALAN WILSON
ATTORNEY GENERAL

April 8, 2015

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

Re: The State v. Steven Otts
Appellate Case No. 2014-000274

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 Anthony Mabry
Assistant Attorney General

/lbb
Enclosure

cc: Susan B. Hackett, Esquire