

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Horry County  
The Honorable Stephen H. John, Circuit Court Judge  
Appellate Case No. 2014-001679

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THE STATE,

Respondent,

vs.

VIVIAN LYNN SCHRADER-FALLS,

Appellant.

**RECEIVED**

APR 23 2015

SC Court of Appeals

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

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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, April 23, 2015, upon this Court's grant of Respondent's first request for an extension filed on March 31, 2015.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since March 24, 2015. Specifically,

1. 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];

2. 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;

3. 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;

4. 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;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Daniel L. Crowe, #250759 vs. Warden Perry Correctional Institution, C/A No. 1:14-3831-BHH-SVH on April 13, 2015;

6. Counsel also prepared a Response to Motion to Remand [ECF #27] in the matter of Michael Dwight Day, #318713 vs. Warden Lieber Correctional Institution, C/A No. 5:14-4318-BHH-KDW on April 13, 2015;

7. Counsel responded to Text Order (ECF #54) in the matter of Joseph L. Hazel, #261496 vs. John Pate, Warden, C/A No. 8:14-4435-TMC-JDA on April 17, 2015;

8. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. Al Martinez Green, a Lancaster murder appeal matter which is currently due tomorrow, April 24, 2015; and

9. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Devatee Tymar Clinton, co-defendant to Al Martinez Green, which is also currently due tomorrow, April 24, 2015.

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  
No. 4425

WILLIAM EDGAR SALTER, III  
Senior Assistant Attorney General  
No. 3710

Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

By:   
WILLIAM EDGAR SALTER, III  
ATTORNEYS FOR RESPONDENT

April 23, 2015.

STATE OF SOUTH CAROLINA  
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THE STATE,

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VIVIAN LYNN SCHRADER-FALLS,

SC Court of Appeals

Appellant.

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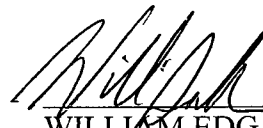
PROOF OF SERVICE

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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, Benjamin R. Gooding, Esq. and Beth B. Richardson, Esq., Sowell, Gray, Stepp & Laffitte, LLC, P.O. Box 11449, Columbia, South Carolina 29211.

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

This 23<sup>rd</sup> day of April, 2015.



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



ALAN WILSON  
ATTORNEY GENERAL

April 23, 2015

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

Re: *The State v Vivian Schrader-Falls*  
Appeal from Horry County  
Appellate Case No. 2014-001679

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, April 23, 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 the consent of counsel for Appellant to this request.

Sincerely,

William Edgar Salter, III  
Senior Assistant Attorney General

WES/dmd  
Enclosures

cc: Benjamin R. Gooding, Esq. (w/two copies of encls.)  
Beth B. Richardson, Esq. (w/two copies of encls.)  
Robert M. Dudek, Esq. (w/two copies of encls.)

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