

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

RECEIVED

MAY - 8 2015

S.C. Supreme Court

JAMES ROBERTSON,

Petitioner,

vs.

THE STATE,

Respondent.

**PETITION FOR THIRD 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, May 8, 2015, upon this Court's grant of Respondent's second request for an extension filed on April 9, 2015.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since April 8, 2015. Specifically,

1. 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;

2. 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;

3. 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;

4. Counsel prepared the Initial Brief of Respondent in the matter of The State vs. Al Martinez Green, a Lancaster murder appeal matter on Friday, April 24, 2015;

5. Counsel also prepared the Initial Brief of Respondent in the matter of The State vs. Devatee Tymar Clinton, co-defendant to Al Martinez Green, on April 24, 2015;

6. Counsel was out of the office on Friday, May 1, 2015 on annual leave;

7. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Dytavis Hinton, #346826 vs. Warden, Leroy Cartledge, C/A No. 8:15-273-GRA-JDA on May 4, 2015; and

8. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Leonard Jarvis Roper, #338094 vs. Joseph McFadden, C/A No. 5:15-00555-RBH-KDW which is currently due on Monday, May 11, 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 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,

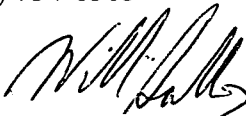
ALAN WILSON
Attorney General

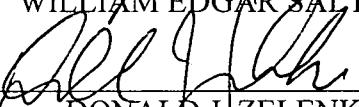
JOHN W. McINTOSH
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WILLIAM EDGAR SALTER, III
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By: 
WILLIAM EDGAR SALTER, III

By: 
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

May 8, 2015.

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PROOF OF SERVICE

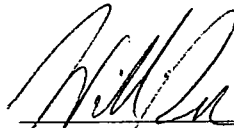
I, William Edgar Salter, III, counsel for the Respondent, certify that I have served the within Petition for Third Extension of Time to File Brief of Respondent, by depositing two (2) copies of the same in the United States mail, first class, postage prepaid, addressed to the attorneys of record:

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

Keir M. Weyble, Esq.
Blume, Norris & Franklin-Best, LLC
900 Elmwood Avenue, Suite #101
Columbia, South Carolina 29201

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

This 8th day of May, 2015.



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ATTORNEY FOR RESPONDENT