

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2014-000766

RECEIVED

MAY 14 2015

SC Court of Appeals

THE STATE,

Respondent,

vs.

DEVIN JOHNSON,

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, May 14, 2015, upon this Court's grant of Respondent's first request for an extension filed on April 24, 2015.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since April 13, 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;

8. Counsel prepared 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 on May 12, 2015;

9. Also on May 12, 2015, counsel attended a hearing before the Honorable J. Mark Hayes, II in Lexington County regarding Respondent's Motion to Dismiss in the matter of John Richard Wood vs. State of South Carolina, a capital post-conviction relief matter; and

10. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Phillip Byrd, #281812 vs. Joseph McFadden, C/A No. 0:14-4864-RBH-PJG on May 13, 2015;

11. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Jerome Chisholm, #335354 vs. Warden of Tyger River Correctional Institution, C/A No.: 9:15-311-RBH-BM which is currently due on Wednesday, May 20, 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
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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 attorney of record, Susan Hackett, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

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

This 14th day of May, 2015.



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



ALAN WILSON
ATTORNEY GENERAL

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MAY 14 2015
SC Court of Appeals

May 14, 2015

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

Re: *The State v. Devin Johnson*
Appeal from Charleston County
Appellate Case No. 2014-000766

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, May 14, 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 am advising counsel for Appellant by copy of this letter.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES/dmd
Enclosures

cc: Susan B. Hackett, Esq. (w/two copies of encls.)