

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

vs.

VIVIAN LYNN SCHRADER-FALLS,

Appellant.

RECEIVED

MAY 26 2015

Respondent, SC Court of Appeals

**MOTION FOR THIRD 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 26, 2015, upon this Court's grant of Respondent's second request for an extension filed on April 30, 2015.

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

1. 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;

2. 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;

3. 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;

4. 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;

5. 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;

6. 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;

7. Counsel prepared 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 on May 18, 2015;

8. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Thurston M. Bolton, #115095 vs. Warden, McCormick Correctional Institution, C/A No.: 4:14-4858-RMG-TER on May 21, 2015;

9. Counsel prepared Respondent's Response in Opposition to Petitioner's Motion to Compel [ECF #32] in the matter of Corey Jawan Robinson, #294233 vs. Warden, MacDougal Correctional Institution, C/A No.: 5:14-4718-JMC-KDW today, May 26, 2015;

10. On Wednesday, May 27, 2015, counsel is preparing to file the Brief in Opposition in the United States Supreme Court in the Spartanburg County capital post-conviction relief matter of Richard Moore vs. State of South Carolina, Case No.: 14-9056; and

11. Counsel is also preparing to file the Petition for Rehearing in the matter of Jonathan Kyle Binney vs. State of South Carolina, Appellate Case No.: 2012-212107, a Cherokee County capital post-conviction relief appeal matter which is currently due on or before May 28, 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,

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Attorney General


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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 26, 2015.

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Appellant.

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 third 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 26th day of May, 2015.



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