

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
Carmen Tevis Mullen, Circuit Court Judge

RECEIVED
JUN 08 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA,

Respondent,


v.

EARNEST STEWART DAISE,

Appellant

Appellate Case No. 2013-002394

**RESPONDENT'S MOTION TO EXTEND TIME TO FILE
INITIAL BRIEF OF RESPONDENT**

 The Respondent, above-named, hereby make a third motion to the Court to extend the time of filing the Initial Brief of Respondent and Designation of Matter until July 8, 2015. The Initial Brief of Respondent in the above action is due to be filed June 8, 2015. Respondent's below-signed counsel submits that good cause has been shown:

I.

This motion is made because the Respondent has not been able to respond within the allotted time for the following reasons:

1. Counsel for the undersigned has had a number of other commitments in State and Federal court that have precluded timely completion of the Return. In the last month,

below-signed counsel below-signed counsel on May 6, 2015 filed a return and memorandum of law in the federal habeas matter of Joshua Manning v. Warden; on May 12 in State v. Marvin Brown - STATE APPEAL filed an Initial Brief of Appellant; on May 12, 2015 had a hearing in John Wood v. State, a death penalty PCR action before Judge Mark Hayes concerning the state's motion to dismiss; on May 14 in State v. Antonio Gordon filed a Final Brief of Respondent; on May 14, 2015 prepared a Court-ordered response to motion for transcript in State v Prince Snipes in the South Carolina Court of Appeals for filing on May 18, 2015; on May 17, 2015 traveled to Raleigh, N.C. for a May 18 for a de bene esse deposition in Quincy Allen v. State – DP PCR hearing; on May 20, 2015 filed a federal habeas corpus Return and Memorandum of Law in Curtis Pratt v. Warden . Traveled to Moncks Corner for a hearing on counsel appointment in the death penalty guilt has PCR action in Jesse Sapp v. State of South Carolina before Judge Nettles. On May 27, counsel filed a Return in James Russell v. Warden and filed separate petitions for rehearing in Binney v. State , Kamel Evans v. State , and John K. Hughey v. State due May 28. Assisted in preparation of Return to PCR application in Jesse Sapp v. State filed May 27, 2015; assisted in preparation of brief in opposition to Petition for writ of certiorari in the U.S. Supreme Court in Richard Moore v. State filed on May 27, 2015. Counsel is presently working on an Initial Brief of Respondent in State v. Ryan Deleston due to be filed on Monday June 8, 2015. Counsel is also assisting in the preparation of a Brief of Respondent in James Robertson v. State due to be filed on June 8, 2015.

- 2.
2. Respondent's below signed counsel's current calendar presently has the following projected matters due in the next thirty days.

- M3.
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- a. June 8, 2015 – State v. Ryan Deleston
 - b. June 8 – State v. Ernest Daise – Initial Brief of Respondent
 - c. June 8 – Steven Roberts – FHC Return.
 - d. June 17 – State v. Armando Chestnut – Initial Brief of Respondent
 - e. June 19 - Landis Moragne v. Warden – Federal Habeas Return –
 - f. June 19 – State v. Jeffrey Chronister – Initial Brief of Respondent
 - g. June 22, 2015 – Donald Weatherhall v. Warden - FHC Return
 - h. June 25 – Samuel Stokes v. Warden – Federal Habeas Corpus Return.
 - i. June 25, 2015 – State v. Derekee Johnson – Initial Brief of Respondent
 - j. June 26 – State v. Kevin Howard – Initial Brief of Respondent
 - k. June 26 – State v. John James Bell –DNA Appeal – Return to Petition for Certiorari.
 - l. June 29 – Michael Watts v. Warden - FHC Return.
 - m. June 39 – Andres Torres v. State – evidentiary hearing Judge Cole - Spartanburg

II.

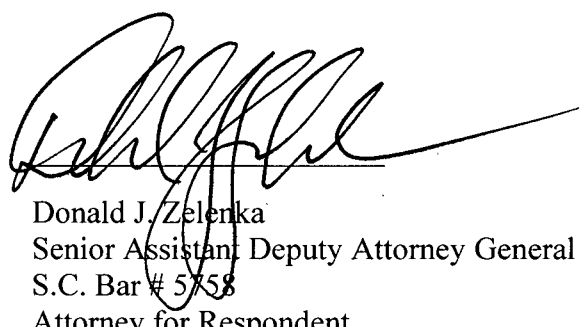
Counsel has contacted opposing counsel, Chief Appellate Defender Robert M. Dudek and A. Mattison Bogan, and each consents to this request on behalf of their client.

III.

Wherefore Respondents respectfully request an extension of a period of thirty (30) days up to and including July 8 to complete the Initial Brief of Respondent upon a showing of good cause for the request.

Respectfully submitted,

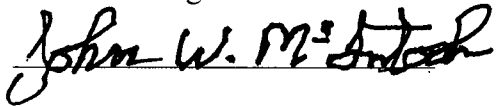
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Donald J. Zelenka
Senior Assistant Deputy Attorney General
S.C. Bar # 5758
Attorney for Respondent

June 8, 2015

I concur that good cause has been shown.



John W. McIntosh

Chief Deputy Attorney General

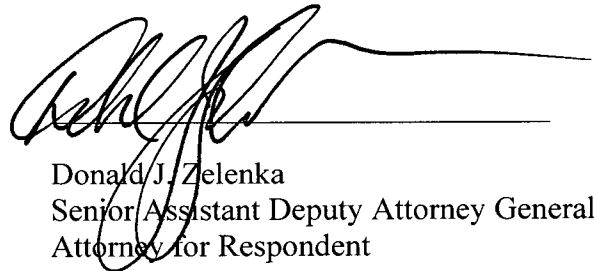
CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that a true copy of the Motion to extend time to file the Initial Brief of Respondent and Designation of Matter in the above referenced case has been served upon counsel for Appellant by depositing one copy of same in the United States Mail, postage prepaid, to each attorney, addressed as follows:

Robert M. Dudek, Esq.
Chief Appellate Defender
SCCID/Division of Appellate Defense
PO Box 11589
Columbia, SC 29211

A. Mattison Bogan, Esquire
Nelson Mullins Riley & Scarborough, LLP
PO Box 11070
Columbia, SC 29211

This 8th day of June, 2015.



Donald J. Zelenka
Senior Assistant Deputy Attorney General
Attorney for Respondent



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

June 8, 2015

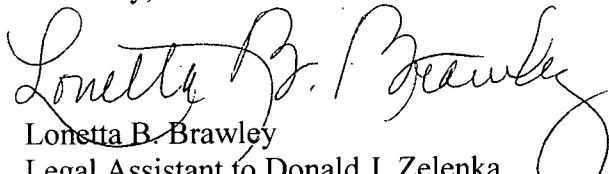
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Earnest Stewart Daise
Appellate Case No. 2013-002394

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 Donald J. Zelenka
Senior Assistant Deputy Attorney General

/lbb
Enclosure

cc: A. Mattison Bogan, Esquire
Robert M. Dudek, Esquire