

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,

**RECEIVED**

JUN 25 2015

SC Court of Appeals

vs.

VIVIAN LYNN SCHRADER-FALLS,

Appellant.

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**MOTION FOR FOURTH 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, June 25, 2015, upon this Court's grant of Respondent's third request for an extension filed on June 3, 2015.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since May 26, 2015. Specifically,

1. 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 on May 26, 2015;

2. On Wednesday, May 27, 2015, counsel filed 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;

3. Counsel also assisted in the preparation of 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 was filed on May 28, 2015;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Reco Lamont Miller, #310609 vs. Warden, Lee Correctional Institution, C/A No.: 4:15-21-BHH-TER on May 29, 2015;

5. Counsel prepared the Final Brief of Respondent in the Richland County murder appeal matter of The State vs. Brett D. Parker on June 2, 2015;

6. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Lewis William Addis, Jr., #095373 vs. State of South Carolina, C/A No.: 1:15-1109-MGL-SVH on June 3, 2015;

7. Counsel filed the Respondent's Status Report and Motion to Lift Stay in the matter of Terriel L. Mack, #312070 vs. Larry Cartledge, Warden, C/A No. 9:14-295-TMC-BM on June 5, 2015;

8. Counsel prepared a Response to Motion to Appoint Counsel [Doc. #9] in the matter of Thomas Giniski Pierce, #201290 vs. C. Reynolds, 2:15-1803-SB-MGB on June 8, 2015;

9. Counsel prepared the Brief of Respondent in the York County capital post-conviction relief appeal matter of James D. Robertson v. State of South Carolina, Appellate Case No. 2012-205909, also on June 8, 2015;

10. Counsel prepared the Return to Petition for Writ of Certiorari in the Charleston County murder appeal matter of The State vs. Darryl L. Drayton, Appellate Case No. 2015-000814 on June 9, 2015;

11. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of John Portee, Jr., #263560, aka John H. Portee, Jr. vs. Warden Robert Stevenson, C/A No. 8:15-487-PMD-JDA on June 17, 2015;

12. On June 23, 2015 counsel travelled to the Spartanburg County Solicitor's office for a review of documents in the capital death penalty appeal matter of Richard Bernard Moore vs. State of South Carolina. Said attendance was all day;

13. Counsel is preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of James O. Senn, #313954 vs. Larry Cartledge, Warden Perry Correctional Institution, C/A No. 6:15-235-MGL-KFM. The Return is currently due today, June 25, 2015 and no further extensions will be granted; and

14. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Dominique D. Moore, #265984 vs. The Warden of Broad River Correctional, C/A No. 2:15-491-PMD-MGB which is due tomorrow, Friday, June 26, 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

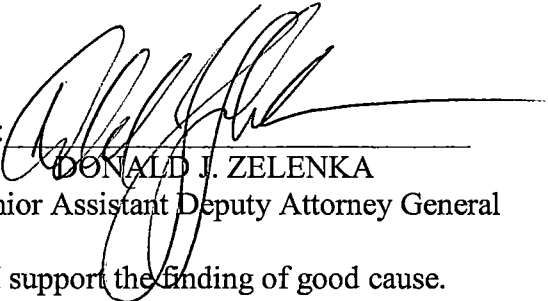
JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General  
No. 4425

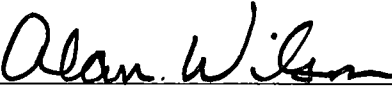
WILLIAM EDGAR SALTER, III  
Senior Assistant Attorney General  
No. 3710

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

By:   
WILLIAM EDGAR SALTER, III

By:   
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

I support the finding of good cause.

By:   
ALAN WILSON  
Attorney General

ATTORNEYS FOR RESPONDENT

June 25, 2015.

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

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THE STATE,

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**PROOF OF SERVICE**

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I, William Edgar Salter, III, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a fourth 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 25<sup>th</sup> day of June, 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

June 25, 2015

RECEIVED  
JUN 25 2015  
SC Court of Appeals

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, June 25, 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 Fourth 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.)