

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

JUL 15 2015

SC Court of Appeals

THE STATE,

Respondent,

vs.

DEVIN JOHNSON,

Appellant.

**MOTION FOR FOURTH 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, July 15, 2015, upon this Court's grant of Respondent's third request for an extension filed on June 15, 2015.

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

1. 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;

2. 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;

3. 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;

4. 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;

5. 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;

6. 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;

7. 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;

8. 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;

9. Counsel prepared 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 on June 25, 2015;

10. 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 on June 25, 2015;

10. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Glen Wilson, #319978 vs. Warden Robert M. Stevenson, C/A No.: 9:15-1213-BHH-BM on June 30, 2015;

11. Counsel prepared a Status Report in the matter of Richard Bernard Moore, #5023 vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden, Warden, Lieber Correctional Institution, C/A No. 4:14-4691-MGL-TER, a capital Federal Habeas matter now pending before the United States District Court for the District of South Carolina, also on June 30, 2015;

12. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Lord Byron Slater, # 279992 vs. Cartledge, C/A No.: 2:15-1486-SB-MGB on July 9, 2015; and

13. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Alex B. Graham v. Roberts, C/A No.: 0:15-1677-MGL-PJG on July 13, 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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By: 
WILLIAM EDGAR SALTER, III

By: 
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

I concur that extraordinary circumstance have been shown.

ALAN WILSON
Attorney General
July 15, 2015

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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 fourth 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 15th day of July, 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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JUL 15 2015

SC Court of Appeals

July 15, 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, July 15, 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 am advising counsel for Appellant by copy of this letter.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES/lbb

Enclosures

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