

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Steven H. John, Circuit Court Judge

RECEIVED

AUG 19 2015

SC Court of Appeals

STATE OF SOUTH CAROLINA,

Respondent,

v.

ARMANDO K. CHESTNUT,

Appellant

Appellate Case No. 2013-002123

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

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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 September 18, 2015. The Initial Brief of Respondent in the above action is due to be filed August 19, 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 Initial Brief of

Respondent. Since the last request, on July 15, 2015 filed a return and memorandum of law in the federal habeas corpus action in Santiago Rios v. Warden, on July 15, 2015 reviewed and assisted in petition for rehearing for filing in State v. Steven Barnes; prepared for filing a federal habeas corpus action a return and memorandum of law in Marcus Greene v. State on July 16-17; filed a return and memorandum of law in the federal habeas corpus action in Donald Wetherall v. Warden on July 22, 2015, filed a federal habeas corpus return and memorandum of law in Samuel Stokes v. Warden on July 27, 2015, and filed a return to certiorari in the DNA application appeal in John James Bell v. State on July 27, 2015, and filed a Final Brief of Respondent in State v. Ryan Deleston on July 27, 2015; filed a petition for rehearing in State v. Thomas Stewart in the South Carolina Court of Appeals on July 28, 2015; attend a status and appointment hearing in the successive death penalty PCR action in Bayan Aleksey v. State before Judge Early in Barnwell, S.C.; on August 3, 2015 filed a motion for summary judgment and memorandum of law in support in death penalty PCR action in John Wood v. State before Judge Mark Hayes; prepared a return and collateral motion for filing in death penalty PCR matter of Bayan Aleksey v. State on August 6, 2015; in Aleksey v. State, filed motion for mental retardation evaluation, motion for production of documents, and motion for first set of interrogatories on August 6, 2015, on August 10, 2015 filed a return and motion for summary judgment in the federal habeas matter James W. Boone v. Warden on August 10, 2015, filed a Response to Motion for Summary Judgment and Response to Motion for New trial in Terry Davis v. Warden federal habeas matter on August 6, 2015, filed a 63 page Respondent's order in death penalty PCR matter

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of Quincy Allen v. State by August 17, 2015, filed a federal habeas corpus return and memorandum of law in Marcus Greene v. Warden on August 17, 2015, and are filing an Initial Brief of Respondent State v. Jeffrey Chronister on August 19, 2015.

2. Respondent's below signed counsel's current calendar presently has the following projected matters due in the relevant time period.

- 49
#3.
- a. August 19, 2015 – State v. Armando Chestnut (3) - IBOR
 - b. August 19, 2015 – State v. Jeffrey Chronister – IBOR (3)
 - c. August 26, 2015 - State v. Kevin Howard - IBOR (2)
 - d. August 27, 2015 – State v. Joshua Griffith – Initial Brief of Respondent – (1)
 - e. September 4, 2015 – Kevin Walton v. Warden - FHC Return.
 - f. September 4, 2015 – Berry Bolin v. Warden - FHC Return -projected date (2).
 - g. September 9, 2015 – Andre Martin v. Warden - FHC Return (1)
 - h. Sept. 14, 2015 – Marshall Miller v. Warden - Federal habeas Return
 - i. September 14, 2015 – Jonell Parker v. Warden – Federal Habeas Return.
 - j. September 16, 2015 – State v. Ernest Daise – Initial Brief of Respondent (IBOR) – S.C. Court of Appeals.(5) (projected)
 - k. September 17, 2015 – Frank Tolen v. Warden - FHC Return (1)

II. PRIORITIES

Respondent has established the following highest priorities to insure that no further requests for extensions in this matter will be required:

1. **September 16, 2015 – State v. Ernest Daise – Initial Brief of Respondent – S.C. Court of Appeals.(projected)(5)**
2. August 19, 2015 – State v. Jeffrey Chronister – Initial Brief of Respondent (3).
3. September 18, 2015 - State v. Armando Chestnut – Initial Brief of Respondent (4) projected .
4. August 26, 2015 – State v. Kevin Howard – IBOR – (2)

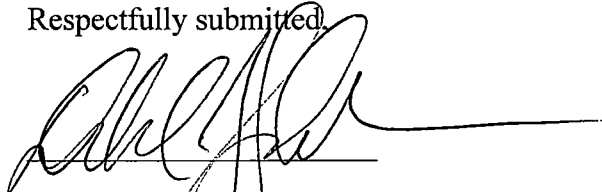
III.

Counsel has contacted opposing counsel Robert Dudek of this request and he has no opposition to the request.

Wherefore Respondents respectfully request an extension of a period of thirty (30) days

up to and including September 18, 2015 to complete the Initial Brief of Respondent upon a showing of good cause for the request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Donald J. Zelenka', written over a horizontal line.

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

August 19, 2015

I concur that good cause has been shown.

A handwritten signature in black ink, appearing to read 'Alan Wilson', written over a horizontal line.

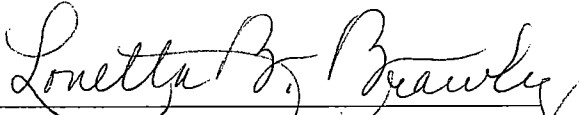
Alan Wilson
Attorney General

CERTIFICATE OF SERVICE

I, **Lonetta B. Brawley**, 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 InterAgency Mail to:

Robert M. Dudek, Esq.
Chief Appellate Defender
SCCID/Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, SC 29201

This 19th day of August, 2015.


LONETTA B. BRAWLEY
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

RECEIVED
AUG 19 2015
SC Court of Appeals

August 19, 2015

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

Re: The State v. Armando K. Chestnut
Appellate Case No. 2013-002123

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: Robert M. Dudek, Esquire