

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Williamsburg County
The Honorable George C. James, Jr., Circuit Court Judge

Appellate Case No. 2014-000199

THE STATE,

Respondent,

vs.

ARTHUR MOSELEY,

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, August 17, 2015, upon this Court's grant of Respondent's third request for an extension filed on July 22, 2015.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since July 17, 2015. Specifically,

1. Counsel prepared the Final Brief of Respondent in the Lancaster County murder appeal matter of The State vs. Al Martinez Green on July 20, 2015;

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2. Counsel prepared the Initial Brief of Respondent in the Horry County murder appeal matter of The State vs. Vivian Lynn Schrader-Falls on July 27, 2015;

3. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Christopher Dean Johnson, #242032 vs. R.H. Mauney, C/A No.: 5:15-01232-MBS-KDW, also on July 27, 2015;

4. Counsel prepared for and attended a hearing in the capital post-conviction relief matter of Gary Dubose Terry, #5054 vs. State of South Carolina. The hearing took place in Berkeley County before the Honorable William P. Keesley, on July 29, 2015;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Michael Lee Montgomery, II, #343230 vs. State of South Carolina, C/A No.: 2:15-2264-RMG-MGB on August 4, 2015;

6. Counsel filed a Status Report in the matter of James Robertson, #5067 vs. Jon Ozmint, C/A No.: 2:11-63-TMC-MGB, a capital Federal Habeas matter now pending in the United States District Court for the District of South Carolina on August 6, 2015;

7. Counsel also filed a Status Report in the matter of Gary Dubose Terry, #5054 vs. William R. Byars, Jr., Commissioner, South Carolina Department of Corrections, C/A No.: 4:12-01798-SB-TER, another capital Federal Habeas matter pending in the United States District Court for the District of South Carolina on August 6, 2015;

8. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of David Molina, #315546 vs. Cecilia Reynolds, C/A No.: 2:15-1263-RBH-MGB on August 11, 2015; and

9. Counsel is currently preparing the Initial Brief of Respondent in the matter of The State vs. Devin Johnson, a Charleston County murder appeal matter. However, State's Exhibit

56 is a five (5) hour video interview with the Appellant. Although Counsel could not initially hear the audio track for this DVD due to the propriety rights of the company that supplied the software, counsel is now able to view the DVD and anticipates filing the Initial Brief of Respondent on or before August 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,

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: 
SALLEY ELLIOTT,

Senior Assistant Deputy Attorney General on behalf
of Donald Z. 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

August 17, 2015.

STATE OF SOUTH CAROLINA
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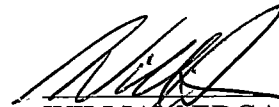
Appellant.

PROOF OF SERVICE

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 attorney of record, LaNelle Cantey DuRant, 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 17th day of August, 2015.



WILLIAM EDGAR SALTER, III
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

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THE STATE,

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Appellant.

PROOF OF SERVICE

I, William Edgar Salter, III, of counsel for the Respondent, certify that I have served two (2) copies of the within fully executed motion for a fourth extension of time to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, LaNelle Cantey DuRant, 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 19th day of August, 2015.


WILLIAM EDGAR SALTER, III
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

August 19, 2015

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The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
Attention: Christina

Re: *The State v. Arthur Moseley*
Appeal from Williamsburg County
Appellate Case No. 2014-000199

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 was due to be served and filed on Monday, August 17, 2015. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

As indicated in my correspondence dated yesterday, August 18, 2015, I am enclosing herein an original and six (6) copies of a fully executed Motion for Fourth Extension of Time to File Initial Brief of Respondent and Designation of Matter, together with Proof of Service. I am advising counsel for Appellant by copy of this letter.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES/dmd
Enclosures

cc: LaNelle Cantey DuRant, Esq. (w/two copies of encls.)