

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Marion County

D. Craig Brown, Circuit Court Judge

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SEP 14 2015
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BLATON WAKEEM SMITH,

APPELLANT,

Appellate Case No. 2014-1769.

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

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A1

The Respondent, above-named, hereby make a second motion to the Court to extend the time of filing the Initial Brief of Respondent and Designation of Matter until October 14, 2015. The Initial Brief of Respondent in the above action is due to be filed September 14, 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. This matter was originally assigned to former Assistant Attorney General Kaycie Timmons who left employment on September 4, 2015 to become employed with the federal judiciary.

2. Below-signed counsel who has undertaken this briefing 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, below-signed counsel 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 court ordered response in the Court of Appeals in Alfonso Ware v. State on Aug. 14, 2015, filed a brief and return and motion for summary judgment in the federal habeas matter of Marcus Greene v. Warden on August 17, 2015; filed a motion and proposed order in death penalty PCR matter of Quincy Allen v. State on August 17, 2015; attended a South Carolina Common pleas Docket Management meeting on August 18; filed an Initial Brief of Respondent in the Court of Appeals in State v. Jeffrey Chronister on August 19, 2015; and, filed an Initial Brief of Respondent in State v. Kevin Howard in the Court of Appeals on August 26, 2015; on September 4, 2015 made a response to a federal habeas matter in Favian Hayes v. Warden, on September 4, 2015 made a 93 page Return and motion for summary judgment in Berry Bolin v. Warden, and on September 8, 2015 counsel filed a response to a motion to stay in the

death penalty matter of Bayan Aleksey v. State before the state court; a Return and motion for summary judgment in the federal habeas corpus matter of Christopher Ashe v. Warden .

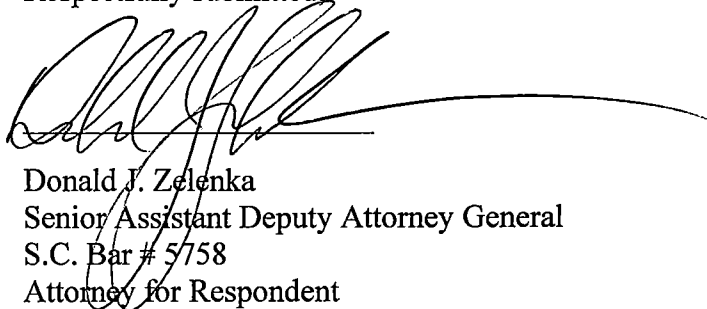
II.

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#3
Counsel has contacted opposing counsel of this request and he has no opposition to the request.

III.

Wherefore Respondents respectfully request an extension of a period of thirty (30) days up to and including October 14, 2015 to complete the Initial Brief of Respondent upon a showing of good cause for the request.

Respectfully submitted,



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

September 14, 2015

CERTIFICATE OF SERVICE

I, **Melissa Vail**, 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:

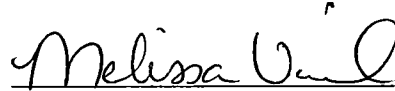
David Alexander, Esq.
Appellate Defender
SCCID/Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, SC 29201

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SEP 14 2015

SC Court of Appeals

This 14th day of September, 2015.



MELISSA VAIL

Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General



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ALAN WILSON
ATTORNEY GENERAL

September 14, 2015

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

Re: The State v. Blaton Wakeem Smith
Appeal from Marion County
Appellate Case No. 2014-001769

Dear Ms. Kitchings:

Enclosed please Respondent's Second Motion to Extend Time to File 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,

Melissa Vail
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/mv

cc: David Alexander, Esquire, Appellate Defender