

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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OCT 01 2015

SC Court of Appeals

Appeal from Horry County
Edward B. Cottingham, Circuit Court Judge

STATE OF SOUTH CAROLINA,

Respondent,

v.

JOSHUA GRIFFITH,

Appellant

Appellate Case No. 2014-000066

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

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The Respondent, above-named, hereby makes a third motion to the Court to extend the time of filing the Initial Brief of Respondent and Designation of Matter until October 28, 2015. The Initial Brief of Respondent in the above action is due to be filed September 28, 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. Undersigned Counsel 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:

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- a. 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,
 - b. on September 4, 2015 filed a 93 page Return and motion for summary judgment in Berry Bolin v. Warden,
 - c. on September 4, 2015 filed a return and motion for summary judgment in the federal habeas corpus matter of Xavier Perry v. Warden,
 - d. 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; and a Return and motion for summary judgment in the federal habeas corpus matter of Christopher Ashe v. Warden;
 - e. on September 15, 2015 attended a motion hearing in Bayan Aleksey v. State before Judge Early in Barnwell, S.C. on the state's motion to dismiss the application, opposition to motion to stay and state motion for a mental retardation - intellectual disability evaluation;
 - f. on September 16, 2015 prepared for filing a return and motion in the federal habeas corpus matter of Andre Martin v. State; and
 - g. on September 13, 2015 filed Initial Brief of Respondent in State v. Armando Chestnut..
 - h. Derek Brown v. State – SCOTUS – brief in opposition preparation and waiver letter – Sept. 17, 2015..
 - i. State v. Thomas Stewart, S.C.S.Ct. – petition for writ of certiorari.- Sept, 21, 2015.
 - j. John Garvin v. Warden - SCOUS – preparation and review of certiorari petition and waiver preparation - September 22, 2015.
 - k. State v. Marcus Roberts – Final Brief of Respondent – September 24.
 - l. Raymond McCarter v. Warden – federal habeas Return – preparation for filing September 30.

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

- a. September 28, 2015 – State v. Joseph Griffith – IBOR (2):
- b. October 1, 2015 – State v Derekee Johnson - FBOR
- c. October 2, 2015 – Terrence Goodman v. Warden - FHC return
- d. October 5, 2015 – Kevin Walton v. Warden - FHC Return.
- e. October 5-9, 2015 – Donald Jones v. State – DP PCR Hearing – Judge Burch (tentative)
- f. October 5-9, 2015 – Mar-Reece Hughes v. State – DP PCR Hearing – Judge Burch (tentative)
- g. October 8, 2015 – James Robertson v. State – Oral Argument – SCSCCT.
- h. October 9, 2015 – Andre Martin v. Warden - FHC Return (1)
- i. October 13, 2015 – State v. Demetriss Glenn – oral argument- SC Court of

Appeals.

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- j. October 13, 2015 – Matthew Jameson v. State - FHC Return
 - k. October 14, 2015 – Marshall Miller v. Warden - Federal habeas Return (1)
 - l. October 14, 2015 – Jonell Parker v. Warden – Federal Habeas Return (1).
 - m. October 15, 2015 – State v Sandy Westmoreland - IBOR
 - n. October 16, 2015 – State v. Ernest Daise – Initial Brief of Respondent (IBOR) – S.C. Court of Appeals.(5) (projected).
 - o. October 17, 2015 – Frank Tolan v. Warden - FHC Return (2)
 - p. October 22, 2015 - State v. Blaton Smith – IBOR – (1)
 - q. October 22, 2015 – Jernell Robinson v. Warden - FHC Return.
 - r. October 23, 2015 – State v. Robert Kronsberg – IBOR
 - s. October 23, 2015 – Stephen Corey Bryant – SCOTUS – Brief in Opposition..
 - t. October 24, 2015 – State v. Quanell McIlvain - IBOR – (1)
 - u. October 25, 2015 – Raymond McCarter v. Warden – FHC Return.(1)
 - v. October 26, 2015 – Otis Compton v. Warden - FHC Return
 - w. November 4, 2015 – John Hughey v. SC – US Supreme Court Certiorari Due.
 - x. November 4, 2015 – Kamel Evans v. SC – US Supreme Court – Certiorari Due.
 - y. November 4, 2015 – Jonathan Binney v. SC – US Supreme Court – certiorari due.

3. Respondent has outlined the 877 page transcript in this matter but has been unable due to existing priorities to complete the briefing.

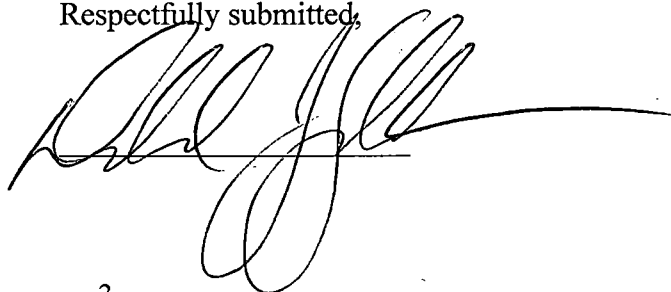
II.

Counsel has contacted opposing counsel Robert Dudek and Hank Ehlies about this request and they have no objection to the request.

III.

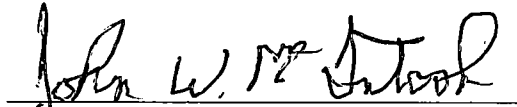
Wherefore Respondents respectfully request an extension of a period of thirty (30) days up to and including October 28, 2015 to complete the Initial Brief of Respondent upon a showing of good cause for the request.

Respectfully submitted,



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

I concur that good cause has been shown.

A handwritten signature in black ink, appearing to read "John W. McIntosh", written over a horizontal line.

John W. McIntosh

Chief Deputy Attorney General

September 28, 2015

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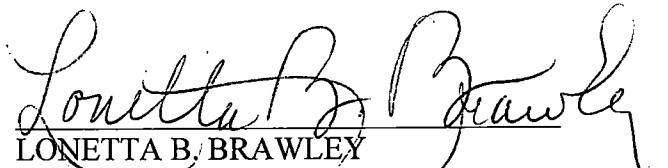
CERTIFICATE OF SERVICE

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 Mr. Dudek and by mail, with proper first class postage to Mr. Ehlies, respectively at :

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

William Harry "Hank" Ehlies, II, Esq.
Ehlies Law Firm
310 Mills Avenue, Suite 201
Greenville, SC 29605

This 28th day of September , 2015.


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



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ALAN WILSON
ATTORNEY GENERAL

September 28, 2015

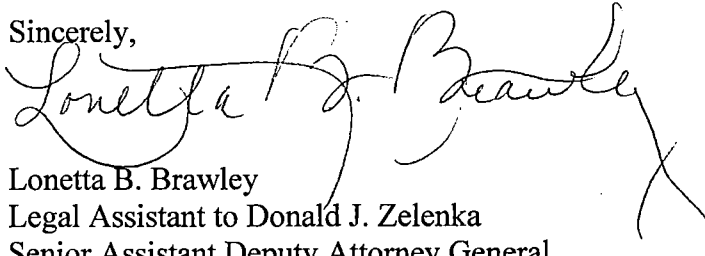
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Joshua Griffith
Appellate Case No. 2014-000066

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
William H. Ehliens, II, Esquire



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