

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Clarendon County  
The Honorable William Jeffrey Young, Circuit Court Judge

Appellate Case No. 2014-001219

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**RECEIVED**

NOV 23 2015

SC Court of Appeals

THE STATE,

Respondent,

vs.

JUSTIN JERMAINE JOHNSON,

Appellant.

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**MOTION FOR THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND  
DESIGNATION OF MATTER**

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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, November 23, 2015, upon this Court's grant of Respondent's second request for an extension filed on October 27, 2015.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since October 23, 2015. Specifically,

1. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Robert Orlando Hill, #265223 vs. Dennis Bush, Warden, Trenton Corr. Inst., S.C.D.C., C/A No.: 0:15-1602-TMC-PJF on October 23, 2015;

2. Counsel prepared the Return to Petition for Writ of Certiorari in the matter of The State vs. Ahmad Jamal Wilkins, a Richland county murder appeal matter on October 26, 2015;

3. Counsel prepared the Amended Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Yahya Muqit, a/k/a Yahya Muquit vs. Warden Joseph McFadden, C/A No. 8:14-3555-RBH on October 27, 2015. Same was filed in response to the Order entered by the Honorable R. Bryan Harwell, United States District Judge [ECF #78] dated September 28, 2015;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Richard Bernard Moore, #6003 vs. Bryan P. Stirling Commissioner, et al., C/A No.: 4:14-04691-MGL-TER, a Spartanburg County Capital case now pending in the United States District Court for the District of South Carolina on Monday, November 16, 2015;

5. Counsel presented oral argument on behalf of the State before the South Carolina Court of Appeals in the Richland County murder appeal matter of The State vs. Brett D. Parker, Appellate Case No. 2013-001238 on Wednesday, November 18, 2015;

6. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Casey Jenkins vs. John Pate, C/A No.: 5:15-2241-JMC-KDW on November 19, 2015;

7. Counsel prepared the Return to Petition for Writ of Certiorari in the matter of The State vs. Nathaniel Bernard Beeks, Appellate Case No. 2015-002165, a Greenville county murder appeal matter today, November 23, 2015;

8. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Todd Smith, #346915 vs. Warden Dunlap, C/A No.: 0:15-02538-DCN-PJG which is currently due on November 25, 2015; and

9. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of David Heath, #128440 vs. Warden Robert Stevenson, C/A No.: 8:15-2342-TMC-JDA which is currently due on November 30, 2015, and no further extensions will be granted.

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

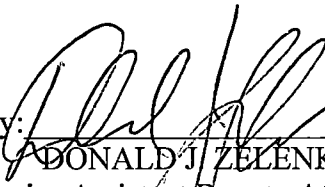
JOHN W. McINTOSH  
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Senior Assistant Attorney General  
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(803) 734-6305

By:   
WILLIAM EDGAR SALTER, III

By:   
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

November 23, 2015.

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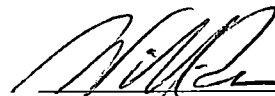
Appellant.

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 third extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Laura R. Baer, 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 23<sup>rd</sup> day of November, 2015.



WILLIAM EDGAR SALTER, III  
Office of the Attorney General  
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(803) 734-6305



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SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

November 23, 2014

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

Re: *The State v. Justin Jermaine Johnson*  
Appeal from Clarendon County  
Appellate Case No. 2014-001219

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, November 23, 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 Third 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/dmd  
Enclosures  
cc: Laura R. Baer, Esq. (w/two copies of encls.)