

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Horry County
The Honorable Edward B. Cottingham, Circuit Court Judge
Appellate Case No.: 2011-185926

The State of South Carolina,

v.

Brittany Johnson,

Respondent

Appellant.

SC Court of Appeals

SEP 13 2012

RECEIVED

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

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent has been working on a number of matters in both state and federal court which have precluded the completion of the return in this matter, including the following: completed and filed a return to a petition for writ of certiorari in a non-capital murder appeal (*Jake Antonio Wilson*); completed and filed a return and memorandum of law in support of motion for summary judgment in a federal habeas action (*Ralph Leon Bailey, Jr.*); completed and filed a return and memorandum of law in support of motion for summary judgment in a federal habeas action (*Mikal J. Ruffin*); counsel also attended a hearing in the matter of (*Levon Mintz*) before the U.S. District Court, Columbia Division yesterday, September 12, 2012; and counsel is currently preparing the Initial Brief of Respondent and Designation of Matter in the matter of (*Anthony*

Hackshaw). Counsel anticipates filing the Initial Brief of Respondent and Designation of Matter the week of September 17, 2012.

2. Due to his heavy case load, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete 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

BRENDAN J. McDONALD
Assistant Attorney General

J. GREGORY HEMBREE
Solicitor, Fifteenth Judicial Circuit

BY: 

BRENDAN J. McDONALD, #77784
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3188

BY: 

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

September 13, 2012.

ATTORNEYS FOR RESPONDENT

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal from Horry County
The Honorable Edward B. Cottingham, Circuit Court Judge
Appellate Case No.: 2011-185926

The State of South Carolina,

Respondent,

v.

Brittany Johnson,


Appellant.

PROOF OF SERVICE

I, Brendan J. McDonald, certify that I have served Respondent's Motion for Extension of Time to File Initial Brief of Respondent and Designation of Matter on counsel for Appellant, by depositing one copy of same in the United States mail, first class, postage prepaid, to counsel for appellant, addressed as follows:

Breen Richard Stevens, Esq.
SCCID/Division of Appellate Defense
1330 Lady Street, Ste. # 401
Columbia, South Carolina 29201-3332

This 13th day of September, 2012.


BRENDAN J. McDONALD, #77784
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT