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DEC 16 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE 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 MOTION TO EXTEND TIME TO FILE
INITIAL BRIEF OF RESPONDENT FOR TWO WEEKS**

The Respondent, above-named, hereby makes a final motion to the Court to extend the time of filing the Initial Brief of Respondent and Designation of Matter for two weeks until Tuesday **December 29, 2015**. The Respondent's counsel had requested a 2 week extension until this date on November 30, 2015 with the expectation and priority that it would be completed. Unexpectedly, a lawyer assigned to the unit was hospitalized on which necessitated below-signed counsel on the afternoon of November 30. This necessitated below-signed counsel preparing and arguing two appeals of that counsel before the South Carolina Supreme Court on December 2, 2015, preparing and meeting with witnesses for a death penalty PCR hearing assigned to the lawyer and handling the PCR hearing the week of December 7-8, 2015. This

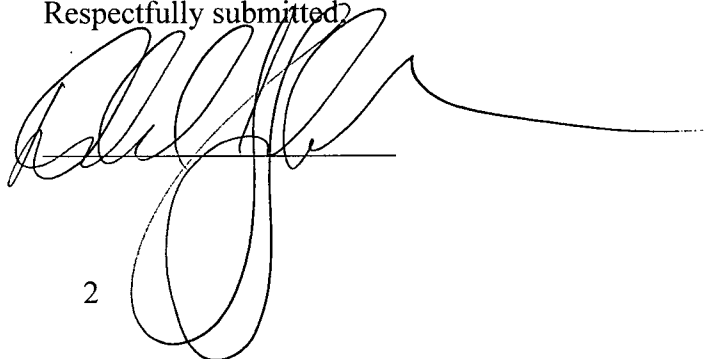
unexpected matter was an extraordinary circumstance that necessitates this brief extension or two weeks. If further information is necessary counsel will provide about other matters completed and worked on in this two week period. Below-signed counsel further learned on December 8, 2015 that he will have a hearing in federal court before Judge Gergel on December 18, 2015. Respondents also have a death penalty PCR certiorari appeal briefing of a Brief of Respondent on the merits due December 20, 2015 in the South Carolina Supreme Court and certiorari petitions due in the U.S. Supreme Court on January 4, 2016 in No. 15A456 – South Carolina v. Kamell D. Evans (on certiorari to the Court of Common Pleas for Greenville County) (SCSCt Docket 2011-188687) , No. 15A455 – South Carolina v. Jonathan Binney (on certiorari to the Court of Common Pleas for Cherokee County Court of Common Pleas) (SCSCt 2011-188687) and No. 15A454 – South Carolina v. John Kennedy Hughey (on certiorari from the Court of Common Pleas for Abbeville County) (SCSCt 2015-MO-029) (petitions initially due November 4, 2015 – petition for writ of certiorari.. **No further extensions will be requested.** Respondent's below-signed counsel submits that extraordinary circumstances have been met. :

Counsel has contacted opposing counsel Robert Dudek and Hank Ehliés are advised of this request by this motion.

III.

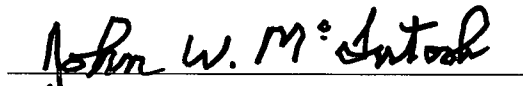
Wherefore Respondents respectfully request an extension of a period of thirty (30) days up to and including December 29, 2015 to complete the Initial Brief of Respondent upon a showing of good cause for the request.

Respectfully submitted,

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops around the line.

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

I concur that extraordinary circumstances have been shown.



John W. McIntosh

Chief Deputy Attorney General

December 14, 2015

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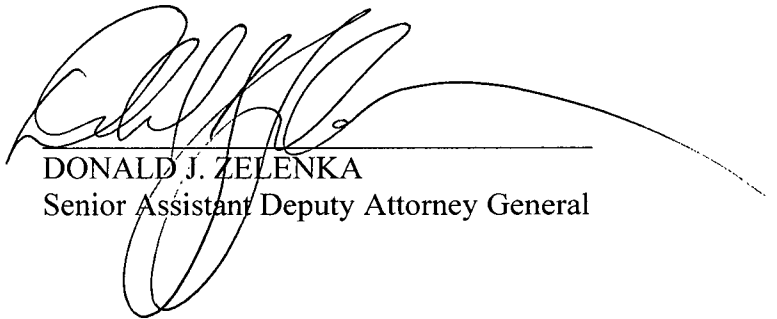
CERTIFICATE OF SERVICE

I, **Donald J. Zelenka**, 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 U.S. 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 14th day of December, 2015.



DONALD J. ZELENIKA
Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

December 15, 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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Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
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