

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
The Honorable James R. Barber, III, Circuit Court Judge

Appellate Case No.: 2011-204706

The State of South Carolina,

Respondent,

v.

Anthony Hackshaw,

Appellant.

**MOTION FOR FIFTH 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. The Initial Brief is due Monday, September 17, 2012, and this is Respondent's fifth request for an extension of time. 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*); and counsel also attended a hearing in the matter of (*Levon Mintz*) before the U.S. District Court, Columbia Division on September 12, 2012. Counsel has spent a substantial amount of time reviewing the file and has drafted significant portions of the

Initial Brief in this matter. However, due to undersigned counsel's involvement in other matters pending in state and federal court, counsel was unable to timely complete the brief. This request is made in good faith, and not for the purposes of delay; and

2. Pursuant to the March 18, 2009 Order of the Supreme Court of South Carolina, moving counsel's immediate supervisor, and Chief Deputy Attorney General, have reviewed the motion, and both agree the extension request is warranted based on the foregoing.

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 making the brief due on October 17, 2012.

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

DANIEL E. JOHNSON
Solicitor, Fifth Judicial Circuit

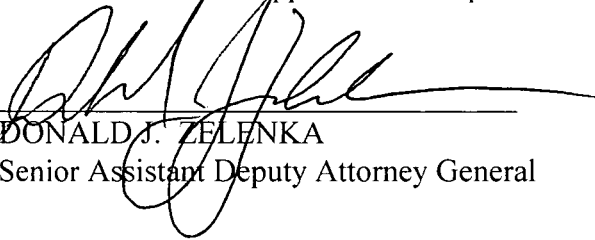
BY: 
BRENDAN J. McDONALD, #77784

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

September 14, 2012.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request.



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I have reviewed and approved this request.



JOHN W. McINTOSH
Chief Deputy Attorney General

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PROOF OF SERVICE

I, Brendan J. McDoanld, certify that I have served Respondent's Fifth Motion for an Extension of Time on counsel for Appellant, by depositing two (2) copies of same in the United States mail, first class postage prepaid, to counsel for appellant, addressed as follows:

Susan Hackett, Esq.
SCCID/Division of Appellate Defense
1330 Lady Street, Ste. #401
Columbia, SC 29201-3332

This 14th day of September, 2012.



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ATTORNEY FOR RESPONDENT