

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Abbeville County
Eugene C. Griffith, Jr. Circuit Court Judge

RECEIVED
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SC Court of Appeals

STATE OF SOUTH CAROLINA,

Respondent,

v.

TONY VERNON JORDAN,

Appellant

Appellate Case No. 2014-0002245

**RESPONDENT'S MOTION TO EXTEND TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The Respondent, above-named, hereby make a third motion to the Court to extend the time of filing the Initial Brief of Respondent and Designation of Matter until February 3, 2016. The Initial Brief of Respondent in the above action is due to be filed January 4, 2016. Counsel has contacted the Appellant's counsel, Katherine H. Hudgins, who had advised counsel this date that she has no objections to the request. 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:

W
#1

Counsel for the undersigned has had a number of other commitments in State and Federal court that have precluded timely completion of the Initial Brief of Respondent. Counsel for the undersigned has had a number of other commitments in State and Federal court that have precluded timely completion of the Return. Recently, below-signed counsel completed:

- M
#2.
- a. December 2, 2015 – State v. Blaton Smith - Final Brief of Respondent –
 - b. **December 2, 2015 – State v. Alexander Hunsberger – Oral Argument – South Carolina Supreme Court- argued for another lawyer due to her unexpected hospitalization.**
 - c. **December 2, 2015 – State v. Julio Hunsberger – Oral Argument – South Carolina Supreme Court. - argued for another lawyer due to her unexpected hospitalization.**
 - d. **December 3, 2015 – Dickerson v. State – Death penalty post-conviction proceeding – status conference with Judge Cooper – Richland County. - argued for another lawyer due to her unexpected hospitalization.**
 - e. December 7, 2015 – Kevin Walton v. Warden - FHC Return (3) - filed
 - f. **December 7-8, 2015 – Dickerson v. State – death penalty PCR hearing – Judge Cooper – Richland County (Berkeley County case).- argued for another lawyer due to her unexpected hospitalization.**
 - g. December 7, 2015 – State v. Marvin Brown - Reply Brief – SC Court of Appeals.
 - h. December 10, 2015 – Perry Buchanan v. Warden - Federal habeas return – reviewed and filed.
 - i. December 9, 2015 - Michael McKnight v Warden - FHC Return -15-5710 - filed
 - j. December 13, 2015 – Matthew Jameson v. State - FHC Return (2) – filed
 - k. December 16, 2015 – Marshall Miller v. Warden – FHC (3) - filed (74 pages).
 - l. December 18, 2015 – James Bowers v. Warden - Federal habeas corpus hearing before Judge Gergel – Federal Courthouse – Charleston, SC
 - m. December 20, 2015 – Charles Christopher Williams v. State – Brief of Respondent – death penalty PCR appeal on certiorari – South Carolina Supreme Court (1) – worked on - did not file – extension requested to January 20, 2016.
 - n. December 23, 2015 – Jermel Robinson v. Warden - FHC Return (2) (projected).
 - o. December 28, 2015 – Marshall Miller v. Warden - Federal habeas corpus – court-ordered response to Motion for discovery.
 - p. December 29, 2015 – State v. Joshua Griffith – Initial Brief of Respondent - filed.
 - q. December 29-31, 2015 – William Bell v. State, Death Penalty Merits Hearing – Judge McIntosh – Anderson S.C. – prepared for hearing, but cancelled by

Court on December 15 – rescheduled to March 2016.

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#3.
- r. **January 4, 2016 - No. 15A456 – South Carolina v. Kamell D. Evans (on certiorari to the Court of Common Pleas for Greenville County) (SCSCt Docket 2011-188687) – petition for writ of certiorari in United State s Supreme Court .**
 - s. **January 4, 2016 - 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) – petition for writ of certiorari due in US Supreme Court ;**
 - t. **January 4, 2016 - 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 due in US Supreme Court .**
 - u. **January 4, 2015 – State v. Tony Jordan - Initial Brief of Respondent (extended) (due this date).**
 - v. **January 4, 2016 – State v Ryan Deleston, Oral Argument – SC Court of Appeals.**

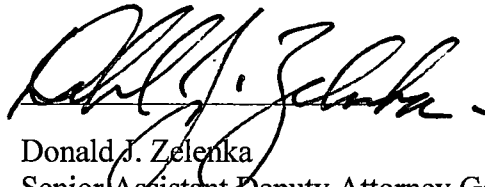
2. Petitioner’s below-signed counsel’s current calendar presently has the following projected matters due in the relevant time period.

- a. **January 6, 2016 – State v David Penn – Oral Argument – SC Court of Appeals**
- b. **January 11, 2015 – John Wood v. State 2013-CP-23-5190 – DP PCR – Motion Hearing – Judge Mark Hayes – Lexington County on Greenville conviction.**
- c. **January 13, , 2016 – Lance Lyles v. Warden - federal habeas return.**
- d. **January 19, 2016 – State v. Kevin Choice- Initial Brief of Respondent**
- e. **January 20, 2016 – Charles Christopher Williams v. State – Brief of Respondent – death penalty PCR appeal on certiorari – South Carolina Supreme Court (2)**
- f. **January 20, 2016 -Andres Torres v. State – DP PCR Post-hearing Memorandum –**
- g. **January 28, 2016 - State v. Quanell McIlwain - Initial Brief of Respondent – (4)**
- h. **January 28, 2016 – Alfonso Ware v. State – DNA Appeal – Return to Certiorari.**
- i. **February 3, 2016 – State v. Tony Jordan - Initial Brief of Respondent – projected.**

III.

Wherefore Respondents respectfully request an extension of a period of thirty (30) days up to and including February 3, 2016 to complete the Initial Brief of Respondent upon a showing of good cause for the request.

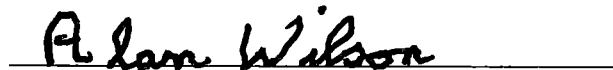
Respectfully submitted,



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

January 4, 2016

I concur that good cause is shown by the request.


Alan Wilson *by JMC*

Attorney General of South Carolina

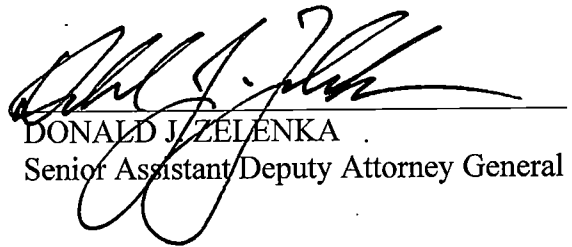
CERTIFICATE OF SERVICE

I, **Donald J. Zelenka**, hereby certify that two copies of the Third 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 U.S. Mail, postage-prepaid and addressed as follows:

Katherine H. Hudgins, Esq.
Appellate Defender
SCCID/Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, SC 29201

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JAN 04 2016
SC Court of Appeals

This 4th day of January , 2016.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

January 4, 2016

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

Re: The State v. Tony Vernon Jordan
Appellate Case No. 2014-002245

Dear Ms. Kitchings:

Enclosed please find a Third 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,

Donald J. Zelenka
Senior Assistant Deputy Attorney General

DZ/dmd

Enclosures

cc: Kathrine Hudgins, Esquire (w/two copies of encls.)