

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2014-001219

RECEIVED

DEC 23 2015

SC Court of Appeals

THE STATE,

Respondent,

vs.

JUSTIN JERMAINE JOHNSON,

Appellant.

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

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, December 23, 2015, upon this Court's grant of Respondent's third request for an extension filed on December 8, 2015.

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

1. 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 on November 23, 2015;

2. Counsel prepared 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 on November 24, 2015;

3. Counsel prepared 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 on November 30, 2015;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Donte Laquawn Capers, #296357 vs. Warden Leroy Cartledge, C/A No.: 4:15-3267-HMH-TER on December 8, 2015;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Sammy Lee Scott, #330564 vs. Warden, McCormick Correctional Institution, C/A No.: 2:15-3141-DCN-MGB on December 10, 2015;

6. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Herbert Lee Matthews, Jr., #242905 vs. Warden J. McFadden, C/A No. 6:15-3194-RMG-KFM on December 15, 2015;

7. Counsel prepared the Respondent's Response Opposing Petitioner's Motion to Expand the Record [ECF #85] in the matter of Yahya MuQit, #318455, a/k/a Yahya Muquit vs. Warden Bush, C/A No. 8:14-3555-RBH-JDA on December 17, 2015;

8. Counsel prepared Respondent's Response in Opposition to Motion to Stay [ECF #58] in the capital Federal Habeas matter of Richard Moore vs. Stirling, et al., C/A No. 4:14-04691-MGL-TER on December 21, 2015;

9. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Brian O'Neil Robinson, #349471 vs. Warden, Ridgeland Correctional Institution, C/A No. 4:15-3703-HMH-TER also on December 21, 2015; and

10. Counsel is currently preparing the Petition for Writ of Certiorari and Appendix in the United States Supreme Court in the capital matter of State of South Carolina vs. Jonathan Kyle Binney, Case No. 15- A455. The Petition is scheduled to be mailed on Thursday, December 31, 2015 with a deadline of January 3, 2016.

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
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
No. 4425

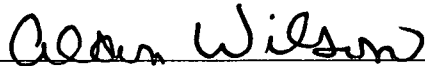
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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By: 
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

By: 
WILLIAM EDGAR SALTER, III

By: 
ALAN WILSON
Attorney General

ATTORNEYS FOR RESPONDENT

December 23, 2015.

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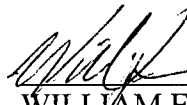
Appellant.

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 fourth 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 23rd day of December, 2015.



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