

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Steven H. John, Circuit Court Judge

RECEIVED
APR 10 2017
SC Court of Appeals

STATE OF SOUTH CAROLINA,

Respondent,

v.

ARDON P. CATO, II,

Appellant

Appellate Case No. 2016-002081

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

The Respondent, above-named, hereby makes a second motion to the Court to extend the time of filing the Initial Brief of Respondent and Designation of Matter until May 10, 2017. The Initial Brief of Respondent in the above action is due to be filed April 10, 2017. Respondent is actively working on the brief and has completed a majority of this brief. However, Respondent has not been able to complete the brief because of the following reasons:

Respondent's below-signed counsel submits that there is good cause for this extension due to below-signed counsel's intervening cases in both state and federal court, including:

1. Mikal Mahdi v. State (Capital PCR) Reply to Response to Motion to Dismiss 2nd or successive PCR Application, filed Thursday, April 6, 2016 (Judge Early).
2. Emory Roberts v. Warden (Federal Habeas Corpus) multiple Replies to Petitioner's

Responses to State's Motion for Summary Judgment and Return, filed last week in U.S. District Court. April 3, 4, & 6, 2017.

3. State v. Robert Prather (Murder and Common Law Robbery/Court of Appeals) Preparation for Oral Argument on April 11, 2017 before this Court.
4. Marvin Lee Williams v. Warden (Federal Habeas Return) ABWIK (2 Counts), AWIK (7 Counts), Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgment filed last week, April 5, 2017.
5. James Chester Williams v. Warden (Federal Habeas Return) Murder, Return and Memorandum of Law in Support of Motion for Summary Judgment in process and almost complete.
6. Jerry Buck Inman v. State (Capital PCR) Preparation for Depositions of several law enforcement officers in Atlanta, Georgia, interview of witnesses.
7. Mahdi v. Warden (Capital Federal Habeas Action) Preparation of Return and Memorandum of Law in Support of Motion for Summary Judgment, in process and near completion.
8. Owens v. State (Capital PCR) Submitting Proposed Order of Dismissal of 2nd or Successive PCR action to Judge Stillwell.
9. Owens v. Warden (Capital Federal Habeas Action) Preparation of Return and Memorandum of Law in Support of Motion for Summary Judgment, in process and near completion.

And, other matters.

WHEREFORE, premises considered, for good cause shown, 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,

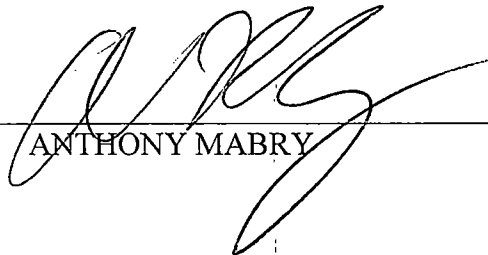
ALAN WILSON
Attorney General

J.ROBERT BOLCHOZ
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

ANTHONY MABRY
Assistant Attorney General
No. 11973
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By:



ANTHONY MABRY

April 10, 2017

CERTIFICATE OF SERVICE

I, **Anthony Mabry**, hereby certify that the Second Motion to Extend time to file the Initial Brief of Respondent and Designation of Matter in the above referenced case has been served upon Appellant by depositing one copy of same in the U.S. Mail, postage-prepaid and addressed as follows:

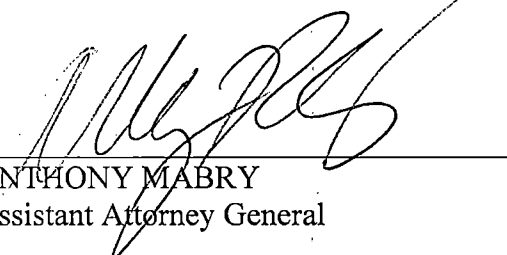
Ardon P. Cato, II, #316535
Evans Correctional Institution
610 Highway 9 West
Bennettsville, SC 29512

This 10th day of April, 2017.

RECEIVED

APR 10 2017

SC Court of Appeals



ANTHONY MABRY
Assistant Attorney General

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

April 10, 2017

RECEIVED
APR 10 2017
SC Court of Appeals

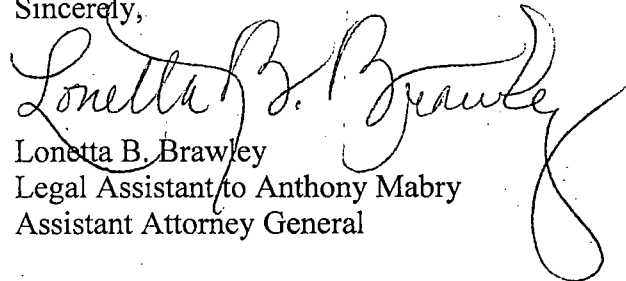
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State v. Ardon P. Cato, II
Appellate Case No. 2016-002081

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 the Appellant with same.

Sincerely,


Lonetta B. Brawley
Legal Assistant to Anthony Mabry
Assistant Attorney General

/lbb

cc: Ardon P. Cato, II, #316535