

2nd REB due 1/2/18

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
The Honorable Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2016-002244

RECEIVED
JAN 02 2018
SC Court of Appeals

THE STATE,

Respondent,

vs.

DESHANNDON MARKELLE FRANKS,

Appellant.

MOTION FOR SECOND 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, January 2, 2018, upon this Court's grant of Respondent's first request for an extension filed on November 29, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 1, 2017. Specifically,

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1. Counsel filed the Return in the matter of Demetrius Terrell Summers, #372191 v. State of South Carolina, 2017-CP-32-03595, a Lexington County post-conviction relief matter on December 4, 2017;

2. Counsel filed the Return and Motion to Dismiss in the matter of Darrell Burgess, #265544 vs. State of South Carolina, 2017-CP-32-04062, another Lexington County post-conviction relief matter on December 6, 2017;

3. Counsel prepared for and attended the PCR term of Court in Lexington County on December 11, 2017 in the matter of Gene Tony Cooper, #084279 vs. State of South Carolina, 2013-CP-32-1929;

4. Counsel is also preparing a response to the Motion for Stay of Execution and Appointment of Counsel in the matter of Anthony Woods vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Willie D. Davis, Warden, Kirkland Reception and Evaluation Center, Case No. 5:17-mc-00491-DCN-KDW, a Clarendon County capital federal habeas matter now pending in the United States District Court for the District of South Carolina;

5. Counsel has also been reviewing matters due to his involvement in the Office of the Attorney General's Appellate Decision Review Committee. The Committee was formed to review all adverse decisions in Capital, Federal Habeas, Direct Appeals, and Post-Conviction relief matters, and to determine whether the State will appeal these rulings; and

6. Counsel was out of the office on Thursday, December 28, 2017, and Friday, December 29, 2017.

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

DONALD J. ZELENKA
Deputy Attorney General
ID No. 5758

MELODY J. BROWN
Senior Assistant Deputy Attorney General
ID No. 14244

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
ID No. 4806

By: 

WILLIAM EDGAR SALTER, III

ATTORNEYS FOR RESPONDENT

January 2, 2018.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
The Honorable Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2016-002244

THE STATE,

Respondent,

vs.

DESHANNDON MARKELLE FRANKS,

Appellant.

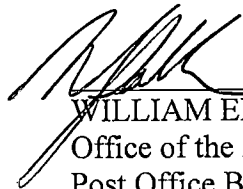
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PROOF OF SERVICE

I, William E. Salter, III, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Robert M. Dudek, 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 2nd day of January, 2018.


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



ALAN WILSON
ATTORNEY GENERAL

January 2, 2018

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SC Court of Appeals

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

Re: *The State v. Deshanndon M. Franks*
Appeal from Laurens County
Appellate Case No. 2016-002244

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, January 2, 2018. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Second Extension to File Initial Brief of Respondent and Designation of Matter. I am advising counsel for Appellant by copy of this letter.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES/dmd
Enclosures
cc: Robert M. Dudek, Esq. (w/two copies of encls.)