

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from York County  
The Honorable John C. Hayes, III, Circuit Court Judge  
Appellate Case No. 2011-204008

SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Davontay Henson,

Appellant.

**MOTION FOR EXTENSION 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 31, 2012, upon this Court's grant of Respondent's first request for an extension filed on November 30, 2012.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since November 30, 2012. This motion is made because the Respondent has not been able to respond within the allotted time for the following reasons:

1. Counsel prepared the Final Brief of Respondent in the matter of (*Anthony Hackshaw*); attended a Records Deposition in the Capital PCR matter of (*William Dickerson vs. State of South Carolina*) on December 7, 2012; completed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the federal habeas corpus matter of (*Courtney Lyles*); attended the Records Deposition in the Capital PCR matter of (*Andres Torres vs. State of South Carolina*) on

December 10, 2012; completed the Petition for Writ of Certiorari and Appendix in the matter of *(Richard Niles)*; attended a motion hearing on December 17, 2012 and December 19, 2012 in the *(William Dickerson)* matter; prepared the Initial Brief of Respondent and Designation of Matter in the matter of *(Robert Mondriques Jones)*; and completed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the federal habeas corpus matter of *(Samyeil Bernard Barber)*. 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

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

BRENDAN J. McDONALD  
Assistant Attorney General

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Solicitor, Sixteenth Judicial Circuit

BY:   
BRENDAN J. McDONALD

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December 31, 2012.  
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

**STATE OF SOUTH CAROLINA**  
**In the Court of Appeals**

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**PROOF OF SERVICE**

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I, Brendan J. McDonald, certify that I have served Respondent's Motion for Extension to File Initial Brief of Respondent and Designation of Matter on counsel for Appellant, by depositing two 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 St., Ste. #401  
Columbia, SC 29201-3332

This 31<sup>st</sup> day of December, 2012.



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ATTORNEY FOR RESPONDENT