

3rd RFB due 8/24/18

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County
Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JUSTIN JAMAL WARNER,

APPELLANT

APPELLATE CASE NO. 2017-001313

RECEIVED

AUG 24 2018

MOTION FOR THIRD EXTENSION OF TIME TO FILE SC Court of Appeals
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER

The above-named Respondent, by and through the undersigned attorneys, would respectfully move this Court for a third extension of time within which to file the return or otherwise plead. The response in the above action is due to be served and filed today, August 24, 2018. However, the undersigned counsel for the Respondent will not be able to respond within the allotted time for the following reasons:

1. Counsel has been reviewing matters due to his involvement as Chairman on 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. Counsel has reviewed the following matters: State vs. Demetrik Maurice Ceaser, a Florence County direct appeal matter; The State vs. Frederick Reaves, a Marion County direct appeal matter; Corey Brown vs. State of South Carolina, 2014-GS-24-1262, a Greenwood County post-conviction

relief matter; Tyrone King v. State, a Marlboro County direct appeal matter; Jeffrey Andrews v. State, a Sumter County direct appeal matter; Julie Lynn Gordon-Gookins vs. State of South Carolina, 2017-CP-10-3310, a Charleston County post-conviction relief matter; John Upson v. State, an Aiken County post-conviction relief matter; and the State vs. James Crews, South Carolina Court of Appeals' Unpublished Opinion 2018-UP-339, a Dorchester County criminal appeal matter;

2. Counsel prepared the Petition for Writ of Certiorari in the United States Supreme Court in the matter of South Carolina vs. Lamont A. Samuel, No. 18-238, an Orangeburg county direct appeal matter on August 21, 2018; and

3. Counsel also filed the Respondent's Response Opposing Petitioner's Motion for Leave to File Amicus Brief in the matter of Farid A. Mangal, #320609 vs. Warden, Perry Correctional Institution, C/A No. 6:18-00106-RBH-KFM on August 23, 2018.

Due to counsel's involvement in these and other matters pending in state and federal court, counsel for Respondent moves this Court to enlarge the time for filing the response by granting a thirty (30) day extension up to and including Monday, September 24, 2018. This request is made in good faith, and not for the purpose of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
No. 07979

WILLIAM EDGAR SALTER, III

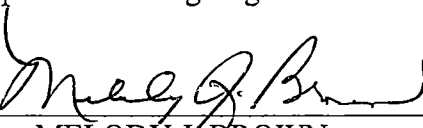
Senior Assistant Attorney General
No. 3710

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
ATTORNEYS FOR RESPONDENT

August 24, 2018.

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County
Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

Respondent,

v.

JUSTIN JAMAL WARNER,

Appellant

Appellate Case No. 2017-001313.

RECEIVED

AUG 24 2018

PROOF OF SERVICE

SC Court of Appeals

I, William Edgar Salter, III, counsel for the Respondent, certify that I have served the within Motion for Third Extension of Time to File Initial Brief of Respondent on Petitioner by depositing two (2) copies of the same via U.S. mail, first class, postage prepaid to his attorney of record, Robert M. Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, South Carolina 29201.

I further certify that all parties required by Rule to be served have been served.

This 24th day of August, 2018.



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

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

August 24, 2018

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

RECEIVED

AUG 24 2018

SC Court of Appeals

Re: The State vs. Justin Jamal Warner.
Appellate Case No. 2017-001313

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the *Respondent's Third Extension of Time to File Initial Brief of Respondent*, together with Proof of Service, in the above-referenced matter. Opposing counsel has consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

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