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4th RES due 9/24/18

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

RECEIVED

SEP 24 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JUSTIN JAMAL WARNER,

APPELLANT

APPELLATE CASE NO. 2017-001313

MOTION FOR FOURTH EXTENSION OF TIME TO FILE
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 fourth 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, September 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. In the last thirty days, 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v. State, an Aiken County post-conviction relief matter; in the State vs. James Crews, South Carolina Court of Appeals' Unpublished Opinion 2018-UP-339, a Dorchester County criminal appeal matter; the State vs. Preston Shands, Jr., Appellate Case No. 2015-001199, a Laurens County criminal appeal matter; the State vs. Johnnie Lee Lawson, Appellate Case No. 2015-002467, a Lexington County criminal appeal matter; the State vs. Scott R. Wendelberger, a Charleston County criminal appeal matter; State vs. Archie Harden, Appellate Case No. 2015-000516, an Orangeburg County criminal appeal matter; State v. Steven Otts, Appellate Case No. 2014-00274, a Saluda County murder appeal matter; the matter of In re: Andrew R.; The State v. Shannon Scott, Appellate Case No. 2017-001607, a Richland County murder appeal matter; and Earnest Maurice Allen, #310134 v. State, 2017-CP-28-0904, a Kershaw County post-conviction relief matter; Charlie Ellis Cutshaw v. State, 2017-CP-46-00190, a Sixteenth Circuit post-conviction relief matter; Michael W. McCraw v. State, C/A No. 2017-CP-41-96, a Saluda County Post Conviction Relief matter; Derekee M. Johnson, #247000 vs. State, C/A No. 2017-CP-20-152, a Fairfield County post-conviction relief matter; and Mauwell J. Ervin, Jr., #3566337 vs. State of South Carolina, 2015-CP-24- 01268, a Greenwood County post-conviction relief matter;

2. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of William Cannon Gresham, #349177 vs. Charles Williams, C/A No. 6:18-938-HMH-KFM on August 29, 2018;

3. Counsel filed the Respondent's Response to Petitioner's Objection and Reply to Respondent's Motion for Summary Judgment (ECF #34) in the matter of Farid Ahmad Mangal, #320609 vs. Warden, Perry Correctional Institution, C/A No. 6:18-00106-RBH-KFM, also on August 29, 2018;

4. Counsel filed the Respondent's Response to Dr. Assa'Ad-Faltas' Motion for Appeal in Farid A. Mangal, #320609 vs. Warden, Perry Correctional Institution, C/A No. 6:18-00106-RBH-KFM on September 10, 2018;

5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Richey L. Boyd, #344612 vs. Warden, Perry Correctional Institution, C/A No. 5:18-01582-BHH-KDW on September 17, 2018;

6. Counsel filed the *Respondent's* Response to Motion to Stay of Proceedings in the matter of Devan Dwyer, #302693 vs. Warden Aaron Joyner, C/A No. 9:18-537-MGL-BM on September 19, 2018;

7. Counsel is currently preparing the Return to Application for Post-Conviction Relief in the Clarendon County capital post-conviction relief matter of Anthony Woods v. State of South Carolina; and

8. Counsel has prepared the Return to Petition for Writ of Certiorari in the matter of David Lee Meggett vs. State of South Carolina, Appellate Case No. 2018-000065, which is currently due today, September 24, 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 Wednesday, October 24, 2018. This request is made in good faith, and not for the purpose of delay.

Respectfully Submitted,

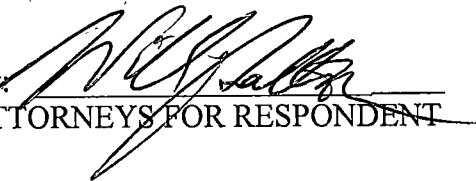
ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

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

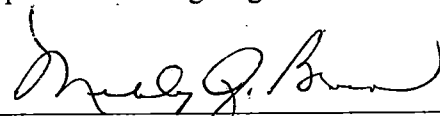
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

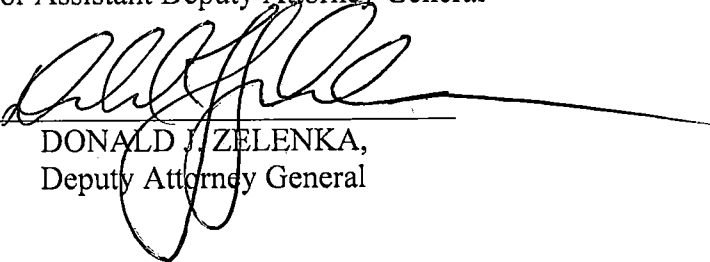
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
ATTORNEYS FOR RESPONDENT

September 24, 2018.

I support the finding of good cause.

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

By: 
DONALD J. ZELENKA,
Deputy Attorney General

STATE OF SOUTH CAROLINA
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Appeal from Anderson County
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PROOF OF SERVICE

Appellant **RECEIVED**
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I, William Edgar Salter, III, counsel for the Respondent, certify that I have served the within Motion for Fourth 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 September, 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

September 24, 2018

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

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 Fourth 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

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SEP 24 2018
SC Court of Appeals

WES:dmd

Enclosures

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