

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

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

---

RECEIVED  
JAN 31 2013

SC Court of Appeals

The State,

Respondent,

v.

Davontay Henson,

Appellant.

---

**MOTION FOR THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

---

Respondent, the State, moves this Court for a thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's third request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court the following:

1. Counsel prepared and filed a Return and Memorandum of Law in Support of Motion for Summary Judgment in a federal habeas corpus matter (*Samyeil Barber*); prepared and filed the Brief of Respondent in a non-capital direct appeal murder case (*Oran Smith*); prepared and filed the Final Brief of Respondent in a non-capital direct appeal murder case (*Brittany Johnson*); prepared for and presented an oral argument in this Court regarding a non-capital direct appeal murder case (*Roger Bruce*); reviewed and prepared a Return and Memorandum of Law in Support of Motion for Summary Judgment in a federal habeas corpus matter (*Johnnie Smith*); prepared for and presented an oral argument in this Court regarding a non-capital direct appeal murder case (*Brian Spears*);

reviewed, prepared, and filed a Return and Memorandum of Law in Support of Summary Judgment in a federal habeas corpus matter (*Robert Lynn Darnell*); and attended a status conference in Orangeburg in a capital post-conviction relief matter (*William Dickerson*).

2. Due to his heavy case load, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,


ALAN WILSON  
Attorney General

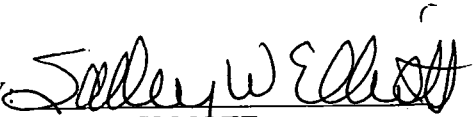
JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

BRENDAN J. MCDONALD  
Assistant Attorney General

KEVIN S. BRACKETT  
Solicitor, Sixteenth Judicial Circuit

BY:   
BRENDAN J. MCDONALD  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3188

BY:   
SALLEY W. ELLIOTT  
For  
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

I support the finding of good cause.

January 31, 2013.

ATTORNEYS FOR RESPONDENT.

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

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

---

The State,

Respondent,

v.

Davontay Henson,

Appellant.

---


**PROOF OF SERVICE**

---

I, Brendan J. McDonald, certify that I have served Respondent's Motion for a Third Extension of Time 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 B. Hackett, Esq.  
SCCID/Division of Appellate Defense  
1330 Lady St., Ste. #401  
Columbia, South Carolina 29201-3332

This 31<sup>st</sup> day of January, 2013.

  
BRENDAN J. MCDONALD  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3188

ATTORNEY FOR RESPONDENT