

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.

---

**MOTION FOR FOURTH 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 fourth 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 the Initial Brief of Respondent in a non-capital murder case in this Court (*Breyon Toney*); reviewed, prepared and filed a Return and Memorandum of Law in Support of Summary Judgment in a federal habeas corpus matter (*Willie Joe Caldwell*); attended a status conference in Orangeburg and also attended a motion hearing in Dorchester County in a capital post-conviction relief matter (*William Dickerson*); reviewed, prepared and filed a Return and Memorandum of Law in Support of Summary Judgment in a federal habeas corpus matter (*Nolan K. Grant*); reviewed, prepared and filed a Return and Memorandum of Law in Support of Motion for Summary Judgment in a federal habeas corpus matter (*Harold Jeffcoat*); prepared

and filed a Reply to Respondent's Return to the Petition for Writ of Certiorari in a non-capital murder case in the S.C. Supreme Court (*Richard B. Niles, Jr.*); reviewed, prepared and filed a Return and Memorandum of Law in Support of Motion for Summary Judgment in a federal habeas corpus matter (*Johnnie Smith*); prepared and filed a Final Brief of Respondent in this Court in a non-capital murder case (*Robert M. Jones*); reviewed, prepared and filed a Return and Memorandum of Law in Support of Motion for Summary Judgment in a federal habeas corpus matter (*Baraka Ramos*); attended a deposition in Charleston, S.C. on February 28, 2013 in a capital post-conviction relief matter (*William O. Dickerson*); and is currently preparing for an oral argument in a non-capital murder case in this Court on Monday, March 4, 2013 (*Anthony Hackshaw*).

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

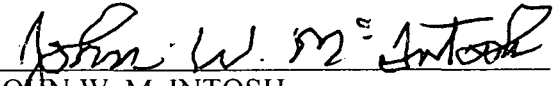
BY: 

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

I have reviewed and approved this request.

  
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

I have reviewed and approved this request.

  
JOHN W. McINTOSH  
Chief Deputy Attorney General

ATTORNEYS FOR RESPONDENT.

March 4, 2013.

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 Fourth 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 4<sup>th</sup> day of March, 2013.



---

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

ATTORNEY FOR RESPONDENT