

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Oct 28 2020

Appeal from Horry County
The Honorable Robert E. Hood, Circuit Court Judge

S.C. SUPREME COURT

THE STATE,

Respondent,

v.

JEROME JENKINS, JR.,

Petitioner.

Appellate Case No. 2019-001280

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

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter, which is currently due to be filed today, October 28, 2020. Counsel for Petitioner has graciously consented to extension requests through October 31, 2020. This is Respondent's third request for an extension of time in which to file the Brief. In support of the request, undersigned co-counsel for Respondent would respectfully show unto the Court the following:

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: On October 5, 2020, The State v. Timothy L.

Cromer, Appellate Case No. 2015-00-3980, a Newberry County Post-Conviction Relief matter; On October 13, 2020, The State v. OShaun Robinson, Appellate Case No. 2017-003353 a Greenville County criminal appeal matter; On October 13, 2020 The State v. Henry J. Dukes, Appellate Case No. 2017-002305, an Horry County criminal appeal matter;

2. Counsel filed on September 28, 2020 the Respondent's Response Opposing Petitioner's Petition for Bail in the case of Millanyo Woody, #227810 vs. Warden Tucker, C/A No. 2:19-785-SAL-MGB, a Federal Habeas case pending in the District Court;

3. Also on September 28, 2020, counsel filed the Respondent's Response Opposing Petitioner's Motion to Appoint Counsel in the case of Millanyo Woody, #227810 vs. Warden Tucker, C/A No. 2: 19-785-SAL-MGB, a Federal Habeas case pending in the District Court;

4. Counsel filed on September 28, 2020 the Respondent's Reply to Petitioner's Response to Return and Memorandum of Law in Support of Summary Judgment in the matter of Gregory Velez, #345428 vs. State of South Carolina, Case No. 9:19-cv-3022-JMC-BM, a Federal Habeas case pending in the District Court;

5. Counsel filed the Respondent's Brief in Opposition to Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit on September 28, 2020 in the case of Richard Bernard R Moore v. Bryan P. Sterling, Commissioner, South Carolina Department of Corrections, Michael Stephan, Warden of Broad River Correctional Institution, Case No. 20-5570;

6. Counsel filed the Final Brief of Respondent in the matter of The State v. Devin Jamel Johnson, Appellate Case No. 2019-000938 on October 14, 2020;

7. On October 28, 2020 counsel filed the Initial Brief of Respondent in the case of The State v. Traivon Dayshad Young, an Allendale County Direct Appeal Matter, Appellate Case No. 2019-001217; and

8. Counsel is currently writing the Petition for Writ of Certiorari to the Court of Appeals in the matter of The State vs. Javon D. Gibbs, Appellate Case No. 2017-001846, a State's appeal from Horry County.

Due to counsel's involvement in these and other matters in state and federal court, counsel is unable to complete the Initial Brief of Respondent and Designation of Matter in this action by the due date prescribed. This request is made in good faith, and not for the purposes of delay. Thus, counsel respectfully requests a thirty (30) day extension of time to allow counsel to complete the Initial Brief of Respondent. This is counsel's second request for additional time to do so.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent in this matter.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

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October 28, 2020.

By: s/ William Edgar Salter, III
ATTORNEYS FOR RESPONDENT

I support the finding of good cause.

By: 

MELODY J. BROWN,

Senior Assistant Deputy Attorney General