

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

RECEIVED

Jan 29 2021

S.C. SUPREME COURT

THE STATE,

Respondent,

v.

JEROME JENKINS, JR.,

Petitioner.

Appellate Case No. 2019-001280

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

Respondent, the State, moves this Court for an additional thirty (14) days extension of time in which to file the Initial Brief of Respondent and Designation of Matter, which is currently due to be filed today, January 29, 2021. Counsel for Petitioner has graciously consented to extension requests through February 28, 2021. This is Respondent's Sixth request for an extension of time in which to file the Brief. In support of the request, undersigned 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 January 13, 2021, *The State v.*

Thomas C. Jones, a Greenville County Criminal Appeals matter and *In the Matter of the Care and Treatment of James Lloyd Carrier* a case pursuant to the Sexually Violent Predator Act; on January 14, 2021 *The State v. Steven Dwayne Moses* a Berkeley County Post Conviction Relief matter; a on January 15, 202, *Clinton Folkes v. Warden Nelsen* a Federal Habeas Corpus case to be appealed;

2. Counsel completed and filed the Federal Corpus Habeas Return in the case of *Shannon DeVante Cooper v. Michael Stephan, Warden, Case # 1:20-cv-4185-JMC-SVH* on January 7, 2021 a case pending in the United States District Court for the District of South Carolina; and

3. Counsel filed the Final Brief of Respondent in the matter of *The State v. Kenneth Wayne Carlisle*, Appellate Case No. 2019-001702 on January 21, 2021, a murder appeal matter now pending in the South Carolina Court of Appeals; and

4. Counsel prepared for and presented Oral Argument in the death penalty case *The State v. Gary Dubose Terry* on January 25, 2021, case #4:12-01798-RMG-TER, a case pending in the United States Court of Appeals for the Fourth Circuit; and

5. Counsel filed the Response in Opposition to Petitioner's Objects to Report and Recommendation of the Magistrate Judge in the matter of *Gregory Velez, #345428 v. Randall Williams, Warden*, Case No. 9:19-cv-03022-JMC, on January 28, 2021, a case pending in the United States District Court of South Carolina; and

6. Counsel has been working on the Initial Brief and Designation of Matter in the present case. To complete this brief, counsel needs to review Exhibits A & B from a January

8, 2019, pretrial hearing and several other trial exhibits. Counsel is actively locating and obtaining these exhibits 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 fourteen (14) 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

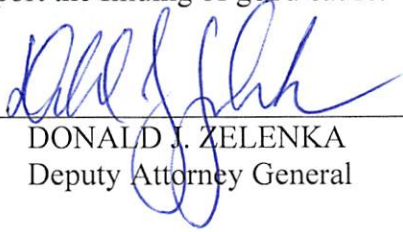
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
State Bar No. 3710

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

January 29, 2020.


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

I support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

(signature page continued)

I too support the finding of good cause.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General