

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Lancaster County
The Honorable J. Ernest Kinard, Jr., Circuit Court Judge
Appellate Case No. 2011-203566

THE STATE,

Respondent,

vs.

ANTHONY RODRICKUS CARTER,

Appellant.

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

RECEIVED
APR 15 2013
SC Court of Appeals

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. This is Respondent's second extension request. Respondent's Initial Brief is due to be served and filed today, April 15, 2013, this Court having granted Respondent's first request for an extension filed on March 15, 2013.

The South Carolina Supreme Court's *Order Re Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings* provides, in pertinent part, that: "(2) [a] second extension request may be granted upon a showing of good cause. The facts supporting good cause shall be set forth in the motion. The signature of the attorney on the motion shall be a certification that the attorney believes that the extension is warranted and that there is good cause to seek the extension." In compliance with that Order and in support of this motion, counsel

would respectfully show the Court the following:

1. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Jamul Ratub El, #315406 vs. Larry Cartledge, Warden, C/A No. 5:12-3481-RMG-KDW* on March 20, 2013;

2. Counsel attended a three day Capital Litigation Training seminar in Charleston, South Carolina from Monday, March 18, 2013 to Wednesday, March 20, 2013;

3. Counsel prepared the Return to Petition for Rehearing in the Charleston County murder appeal matter of *The State vs. Kendrick Taylor, Jr.*, on March 27, 2013;

4. Counsel prepared Respondent's Response in Opposition to Rule 60(b) motion in the matter of *Michael Burns, #228442, a/k/a JaJa D.B. Okera vs. Judge, William R. Byars, SCDC Director, and Alan McCrory Wilson, South Carolina Attorney General, C/A No. 8:02-1263-TLW*, also on March 27, 2013;

5. Counsel prepared the Initial Brief of Respondent in the Spartanburg County murder appeal matter of *The State vs. Charvus Tarrell Nesbitt* on March 29, 2013;

6. Counsel prepared a Reply to Response in Opposition to Motion for Summary Judgment in the matter of *Marrion Franklin, #222409, a/k/a Marion Franklin vs. Michael McCall, Warden, C/A No. 8:12-2331-GRA-JDA*, also on March 29, 2013;

7. Counsel also prepared a Reply to Response in Opposition to Motion for Summary judgment in the matter of *Emmet Tyrone Kelley, #227781 vs. Warden Bollinger, Trenton Correctional Institution, C/A No. 8:12-3008-JMC-JDA*, on April 1, 2013;

8. Counsel presented oral argument on behalf of the State of South Carolina on April 3, 2013 before the South Carolina Court of Appeals in *The State v. Henry Dukes*, a direct appeal

in an Horry County murder case;

9. Counsel prepared Respondent's Brief in Opposition to the Petition for Writ of Certiorari in the United States Supreme Court in the matter of *Gene Tony Cooper, Jr. vs. State of South Carolina* on April 10, 2013; and

9. Counsel has also reviewed the transcript and has done a substantial amount of research in preparing the Initial Brief of Respondent in the matter of *The State vs. Gregory Gathers*, a Charleston County murder appeal matter.

Due to these reasons, counsel was unable to properly prepare the Initial Brief of Respondent and Designation of Matter in this case in a timely fashion and requests an extension. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file 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
Assistant Deputy Attorney General
No. 4425

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
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Post Office Box 11549
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(803) 734-6305

April 15, 2013.

By: 
ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

I, William Edgar Salter, III, do hereby certify that on this date, I served the *Petition for Extension of Time to File Initial Brief of Respondent and Designation of Matter* in the foregoing action on counsel for the Appellant by depositing two (2) copies of the same in the United States mail, first-class postage prepaid, and addressed as follows:

Kathrine H. Hudgins, Esq.
SCCID - Division of Appellate Defense
1330 Lady St., Ste #401
Columbia, SC 29201-3332

This 15th day of April, 2013.

By: 
ATTORNEYS FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

April 15, 2012

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

Re: Second Extension Request
The State v. Anthony Rodrickus Carter
Appeal from Lancaster County
Appellate Case No. 2011-203566

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Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, April 15, 2013. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Extension to File Initial Brief of Respondent and Designation of Matter. I am informing opposing counsel of my request by copy of this letter.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES:dmd
Enclosures
cc: Kathrine H. Hudgins, Esq. (w/two (2) copies of encls.)

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