

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Writ of Certiorari to the Court of Appeals
Appeal from Colleton County
Honorable Perry M. Buckner, Circuit Court Judge
Appellate Case No. 2011-195886

RECEIVED

APR 18 2013

S.C. Supreme Court

THE STATE,

Respondent,

vs.

DESMOND JAVON SAMS,

Petitioner.

**MOTION FOR SECOND EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE BRIEF OF RESPONDENT**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Brief of Respondent is due to be served and filed on April 18, 2013.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a second extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this Brief on time. In the past few weeks, the undersigned has participated in oral argument at this Court in State v. Serria Dawson, State v. Lawrence Brown,

State v. Myron Samuels, and State v. Clarence Logan, Jr., has participated in oral argument at the Court of Appeals in State v. Robert Steve Jolly, State v. Craig Douglas Keeling, State v. Daniel Rogers, and State v. Anthony Marquese Martin, has submitted Initial Briefs of Respondent to the Court of Appeals in State v. Reaves, State v. Hillerby, State v. Parker, State v. Littlejohn, State v. Baxter, State v. Smith, State v. Johnson, and State v. Wilson, has submitted an Initial Reply Brief of Appellant to the Court of Appeals in State v. Hilton, has submitted Briefs of Respondent to the Court of Appeals in State v. Hill and State v. Milledge, has submitted a Brief of Respondent to this Court in State v. Avery, and has filed a Return to Petition for Certiorari in this Court in State v. Price.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. The Brief in the above case has required significant research because Petitioner presents a significant jury charge issue on appeal. The undersigned is currently working on the Brief in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Brief of Respondent.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Brief of Respondent in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

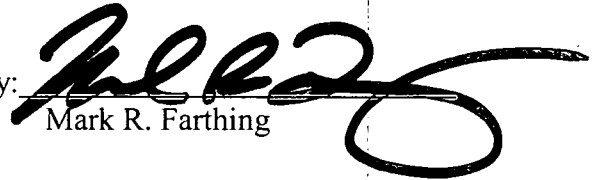
ALAN WILSON
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April 18, 2013

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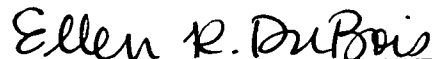
Petitioner.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Motion for Second Extension of Time Within Which to Serve and File Brief of Respondent on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Susan B. Hackett, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 18th day of April, 2013.



ELLEN R. DuBOIS
Legal Assistant

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