

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Beaufort County
The Honorable Thomas W. Cooper, Jr., Circuit Court
Appellate Case No. 2012-213691

RECEIVED

APR 29 2013

S.C. Supreme Court

THE STATE,

RESPONDENT,

v.

KENNETH S. WILLIAMS,

PETITIONER.

**PETITION FOR EXTENSION OF TIME TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Return to Petition for Writ of Certiorari in the above-referenced case. This is Respondent's second extension request. Respondent's Return is due to be served and filed today, April 29, 2013, this Court having granted Respondent's first request for an extension filed on March 29, 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 Initial Brief of Respondent in the Spartanburg County murder appeal matter of *The State vs. Charvus Tarrell Nesbitt* on March 29, 2013;

2. 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;

3. 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;

4. 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*, an Horry County direct appeal murder case;

5. 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;

6. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Coressell Antiwan Smoot, #263901 vs. McCall*, C/A No. 9:13-214-GRA-BM on April 17, 2013;

7. Counsel prepared Respondent-Petitioner's Motion to File Reply to Return to Petition for Writ of Certiorari, together with Reply to Return to State's Petition for Writ of Certiorari on April 17, 2013; Motion to Strike; Return to Petition for Writ of Certiorari, together with Motion to Allow the Filing of a Return to Petition for Writ of Certiorari exceeding the twenty-five pages limit in the capital Cherokee County matter of *Jonathan Kyle Binney, #6009 vs. State of South Carolina*

on April 22nd and April 23, 2013;

8. 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, which included traveling to Charleston County on April 25, 2013 to review exhibits;

9. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Lamar A. Graves, #272024 vs. Warden, Allendale C.I., C/A No. 0:12-3574-GRA-PJG* today, April 29, 2013; and

10. Counsel prepared Respondent's Response Opposing Motion to Compel [Doc. #45] in the matter of *Marrion Franklin, #222409 aka Marion Franklin vs. Michael McCall, Warden, C/A No. 8:12-2331-GRA-JDA*, also today, April 29, 2013.

I am informing opposing counsel of my request by service of two copies of this Petition. The thirty (30) day extension requested will make the Return to Petition for Writ of Certiorari due on May 29, 2013. I understand the desire of the Court and Petitioner's counsel for a speedy resolution of this case, but I reasonably believe this extension is essential to allow me to complete the Return to Petition for Writ of Certiorari with reasonable effectiveness.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General

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April 29, 2013.

BY:



WILLIAM EDGAR SALTER, III,
Senior Assistant Attorney General

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 Return to Petition for Writ of Certiorari* in the foregoing action on counsel for the Petitioner by depositing two (2) copies of the same in the United States mail, first-class, postage prepaid, and addressed as follows:

Susan B. Hackett, Esq.
SCCID-Division of Appellate Defense
1330 Lady St., Ste. # 401
Columbia, SC 29201-3332

This 29th day of April, 2013.

By: 

ATTORNEYS FOR RESPONDENT