

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Florence County
Thomas A Russo, Circuit Court Judge

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SC Court of Appeals

The State of South Carolina,

Respondent,

v.

David Gerrard Johnson,

Appellant.

Appellate Case No: 2012-209267

**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. This is Respondent's third request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent has been scheduled for a number of state and federal matters in the last thirty (30) days, that include, but are not limited to, the following: prepared and filed a return to petition for writ of certiorari in the Supreme Court of South Carolina in a non-capital murder direct appeal (*Jamel Dwayne Good*); prepared and filed objections to report and recommendation in a federal habeas action (*Rodney Murray*); prepared and filed a response in opposition to motion to produce documents in another federal habeas action (*Willie Chapman*); prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Wayne Bell*); prepared for and attended a deposition of trial counsel, and prepared and submitted a proposed order in regard to a

motion to compel, in a capital post-conviction relief case (*William Dickerson*); prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas action (*Thomas Evans*); prepared and filed a return and memorandum of law in support of motion for summary judgment in another federal habeas case (*Leroy Folkes*); prepared and filed return to petition for writ of certiorari in another non-capital murder case in the Supreme Court (*Danny Ryant*); prepared and filed a response to a motion for the court to withdraw from presiding, and a motion for abeyance, in the above referenced capital post-conviction relief case (*William Dickerson*); prepared and filed a Return to Petition for Writ of Certiorari in another non-capital murder direct appeal in the Supreme Court of South Carolina (*Derrick McDonald*) and also in another non-capital murder direct appeal in the Supreme Court of South Carolina, (*Christopher Whitehead*). Counsel has also prepared another Return and Memorandum of Law in Support of Motion for Summary Judgment in another federal habeas corpus case for filing today, May 3, 2013 (*Dexter Sentell Tucker*).

2. Due to her heavy case load, undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal.

3. This is the third request for an extension of time in which to file a response.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

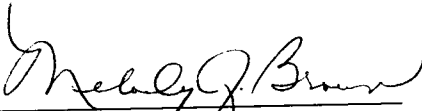
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

MELODY J. BROWN
Senior Assistant Attorney General


BY: 
MELODY J. BROWN
S.C. Bar No. 14244

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

May 3, 2013.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

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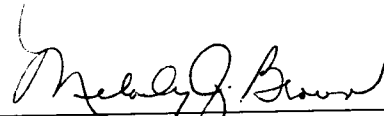
Appellate Case No: 2012-209267

PROOF OF SERVICE

I, Melody J. Brown, certify that I have served Respondent's Motion for a Third Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Susan B. Hackett, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 3rd day of May, 2013.



MELODY J. BROWN
S.C. Bar No. 14244

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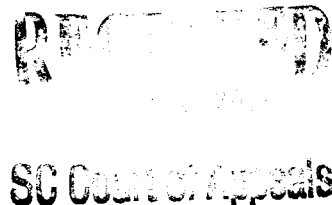
ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

May 3, 2013

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



Re: The State v. David Gerrard Johnson
Appeal from Florence County

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of the Respondent's Motion for Third Extension of Time to file Initial Brief of Respondent and Designation of Matter, dated, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter. Please call this office if you need any additional information.

Sincerely,

Melody J. Brown
Senior Assistant Attorney General

MJB/mv

Enclosures

cc: Susan B. Hackett, Appellate Defender