

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County
W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2011-199366

THE STATE,

RESPONDENT,

v.

DANIEL D'ANGELO JACKSON,

APPELLANT

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MAY 08 2013

SC Court of Appeals

2nd

**RESPONDENT'S MOTION TO EXTEND FILING OF
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The Respondent, above-named, hereby make a motion to this Court to extend the time for filing the Initial Brief of Respondent and designation of matter until June 7, 2013. This second request is due to the length of the record on appeal (1263 pages), intervening business and unexpected events in state and federal court.

I.

The Priorities

Respondents have reviewed the matters and establish the following priorities for the next thirty days if this extension request is granted absent extraordinary intervening events:

1. State v. Andre Richardson - oral argument May 14, 2013 (S.C. Court of Appeals)
2. State v. William Brockmeyer - oral argument May 15, 2013 (South Carolina Supreme

Court).

3. Initial Brief of Respondent due in State v. Jacquyn Brewer (4th extension) due May 20, 2013;
4. State v. Reginald Cantey (IBOR) (3rd extension requested to June 7, 2013)
5. Charles C. Williams v. State - Death Penalty PCR Post-Hearing Briefing - Judge Welmaker (June 10, 2013).
6. State v. Daniel Jackson (2nd extension requested to June 7, 2013).
7. Travis Williams v. Warden (extended) (May 22, 2013) federal habeas return and response.
8. Joshua Jeter v. Warden (May 29, 2013)(extended) federal habeas return and response.

Respondents below-signed counsel is confident that these priorities can be met absent unexpected extraordinary circumstances and utilization of evenings and weekend work without further extension requests.

II.

The Past Time Period

This request is due to Respondents' below-signed counsel have been involved in numerous litigation in both state and federal court during this time period which has prevented the completion of this brief in a sufficient and timely manner. These matters included the filing of a 110 page Return to Petition for writ of certiorari in Marion Lindsey v. State (filed on April 16, 2013; the filing of an initial brief of respondent on April 8, 2013 in State v. Antrell Felder; Gene t. Cooper v. State, U.S. Supreme Court Brief in Opposition reviewed and filed (primarily prepared by Ed Salter); preparing draft return in Travis Williams v. Warden - federal habeas return due April 22, 2013 to be filed this week; preparation and review of documents ; Joshua Jeter v. Warden, federal habeas return due

April 29, 2013 - reviewed records and pulled documents for scanning and extended to May 29; State v. DonSurvi Chisholm- court-ordered response filed April 19, 2013; Albert Scruggs v. Warden - Federal habeas - response to motion to stay filed April 25, 2013; filed return, brief and motion to dismiss Attorney General in John Garvin v. Spartanburg Detention Center on April 30, 2013; filed habeas corpus return and brief in Paul Gray v. Warden on May 1, 2013; reviewed and filed brief in opposition waiver in U.S. Supreme Court in Johnathan Johnson v. Warden on April 22, 2013; reviewed and filed brief in opposition waiver in U.S. Supreme Court in Karen McCall v. Warden on May 3, 2013 filed filed habeas corpus return and brief in Patrick P. Bryant v. Warden on May 6, 2013; prepared and argued in S.C. Court of Appeals in State v. Christopher Murray - oral argument May 7, 2013; preparing for oral arguments in State v. Andre Richardson - oral argument May 14, 2013 (S.C. Court of Appeals) and State v. William Brockmeyer - oral argument May 15, 2013 (South Carolina Supreme Court).

The Next Thirty Days

Respondent currently has due in the next thirty days the following: Initial Brief of Respondent, State v. Reginald Cantey (2nd extension) (May 8, 2013); Initial Brief of Respondent State v. Daniel D. Jackson (co-defendant of Canty) (May 8, 2013) (1st extension); State v. Raphael Parks - memorandum of appealability due May 13, 2013 (SCCOA); initial brief of respondent in State v. Lamar Williams (May 13, 2013); Bond v. U.S. - U.S. Supreme Court - amicus brief matter (May 13, 2013); State v. Andre Richardson - oral argument May 14, 2013 (S.C. Court of Appeals); State v. William Brockmeyer - oral argument May 15, 2013 (South Carolina Supreme Court); Initial Brief of Respondent due in State v. Jacquyn Brewer (4th extension) on May 20, 2013; federal habeas return and response in Travis Williams v. Warden (extended) (May 22, 2013); federal habeas return and response in Ibrahim Hameen v. Warden (May 28, 2013); federal habeas return and response in

Joshua Jeter v. Warden (May 29, 2013)(extended); State v. Reginald Cantey (IBOR) (3rd extension requested to June 7, 2013); State v. Daniel Jackson (2nd extension requested to June 7, 2013); Initial Brief of Respondent in State v. Victor White (June 10, 2013); Charles C. Williams v. State - Death Penalty PCR Post-Hearing Briefing - Judge Welmaker (June 10, 2013); federal habeas return in Marcellus Knuckles v. Warden (June 14, 2013); federal habeas return due Ismael R. Cruz v. Warden (June 14, 2013)

III.

Counsel has contacted the office of opposing counsel, Appellate Defender Carmen V. Ganjehsani (who has replaced Dayne C. Phillips in this matter) and been advised that she consents to this requests on behalf of his client.

IV.

Wherefore Respondents respectfully request an extension of a period of thirty days up to and including June 7, 2013 to complete this Initial Brief of Respondent upon a showing of good cause for the request.

Respectfully submitted,

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
S.C. Bar #5758

ATTORNEYS FOR RESPONDENT

By: 

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May 8, 2013

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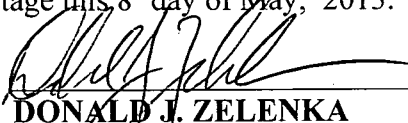
CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served Respondents **Motion to Enlarge**

Time for Filing Initial Brief of Respondent on:

Ms. Carmen V. Ganjehsani, Esquire
Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

by depositing a copy in the Mail with sufficient postage this 8th day of May, 2013.


DONALD J. ZELENKA

Senior Assistant Deputy Attorney General

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