

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

- Appeal from Greenville County
The Honorable C. Victor Pyle, Jr., Circuit Court Judge
Appellate Case No. 2011-203746

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

JULIAN DEANDRE BATTLE,

APPELLANT.

RECEIVED
MAY 18 2013

MOTION FOR THIRD EXTENSION TO FILE
INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER

SC Court of Appeals

The undersigned counsel would respectfully request a twenty-one (21) day extension in which to file the Initial Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, May 13, 2013, upon this Court's grant of Respondent's second request for an extension filed on April 11, 2013.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since April 10, 2013. Specifically, counsel prepared and filed the Returns and Memoranda of Law in Support of Motion for Summary Judgment in the matters of Lewis Welsh, #312256 vs. Warden Leroy Cartledge, C/A No. 4:13-296-GRA-TER; and Curtis Price, #303786 vs. Warden, McCormick C.I., C/A No.: 8:13-700-RMG-JDA, both federal habeas actions pending before the

United States District Court for the District of South Carolina. Counsel also prepared and filed the Respondent's Response in Opposition to Motion for Evidentiary Hearing in the matter of Anthony Clark, #313474 vs. Fred B. Thompson, Interim Warden, C/A No. 0:12-02669-RBH-PJG; and filed the Respondent's Response to Petitioner's Motion to Dismiss [Docket Entry #26] in the matter of George Fickens, #067671 vs. Larry Cartledge, Warden, C/A No. 2:12-2618-JFA-BHH, both federal habeas actions pending before the United States District Court for the District of South Carolina.

Counsel also reviewed the files and is in the process of finalizing for filing the Returns and Memoranda of Law in Support of Motions for Summary Judgment in the matters of Kevin A. Reilly, #311763 vs. Larry Cartledge, Warden of Perry Correctional Institution, C/A No. 0:12-3503-SB-PJG; Terrance V. Smith, #292962 vs. Warden M. McCall, C/A No. 1:13-722-DCN-SVH; and Richard A. Jefferson, #162896 vs. Warden, Lee Correctional Institution, C/A No. 8:13-593-JFA-JDA, all federal habeas actions that are also pending before the United States District Court for the District of South Carolina.

Counsel has also reviewed the transcript and drafted significant portions of the Initial Brief of Appellant in State v. Graham Franklin Douglas, an appeal in a Chesterfield County murder case now pending before the South Carolina Court of Appeals. Counsel has also reviewed the transcript and started drafting the Initial Brief of Respondent in State v. Jerome Miller, an appeal in a Beaufort County murder case.

Counsel has substantially completed his research and has drafted significant portions of the Initial Brief of Respondent in this matter. However, counsel needs additional time to complete his argument as to one of the issues raised in this appeal.

Due to these and counsel's involvement in other matters pending in state and federal court, counsel was unable to timely complete his research and properly prepare the Initial Brief of Respondent and Designation of Matter in this case. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a twenty-one (21) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

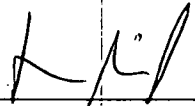
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
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(803) 734-3727

BY: 
ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

BY: 
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

May 13, 2013.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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THE STATE OF SOUTH CAROLINA,

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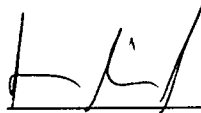
APPELLANT.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of Counsel for the Respondent, certify that I have served the within Motion for Extension to File Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, David Alexander, Esq., South Carolina Commission on Indigent Defense, Division of Appellate Defense, 1330 Lady St., Ste. #401, Columbia, SC 29201.

I further certify that all parties required by Rule to be served have been served.

This 13th day of May, 2013.



ALPHONSO SIMON, JR.
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MAY 13 2013
SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

May 13, 2013

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

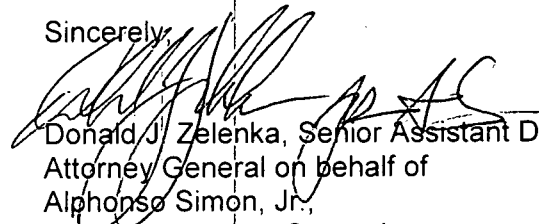
Re: *State v. Julian Deandre Battle*
Appeal from Greenville County
Appellate Case No. 2011-203746

Dear Ms. Kitchings:

On behalf of Alphonso Simon, Jr., I hereby request an extension of twenty-one (21) 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, May 13, 2013. However, because of Mr. Simon's involvement in other matters in state and federal court, he has been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Third 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,


Donald J. Zelenka, Senior Assistant Deputy
Attorney General on behalf of
Alphonso Simon, Jr.,
Assistant Attorney General

DZ/dmd
Enclosures
cc: David Alexander, Esq. (w/two copies of encls.)