

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Lancaster County
The Honorable J. Ernest Kinard, Jr., Circuit Court Judge
Appellate Case No. 2011-203566

THE STATE,

Respondent,

vs.

ANTHONY RODRICKUS CARTER,

RECEIVED
Appellant. MAY 15 2013

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

SC Court of Appeals

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. This is Respondent's third extension request. Respondent's Initial Brief is due to be served and filed today, May 15, 2013, this Court having granted Respondent's second request for an extension filed on April 16, 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: "(3) a third extension may be granted upon a showing of good cause. The facts supporting the good cause shall be set forth in the motion. If filed by the Division of Appellate Defense or the Office of the Attorney General, the motion shall be signed by the attorney involved and his or her immediate supervisor. If filed by a private lawyer, the motion shall be signed by the attorney

involved and, if lawyer is not a sole practitioner, by another member of the firm. The signatures on the motion shall be a certification by these attorneys that they believe 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 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;

2. 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;

3. 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 page limit in the capital Cherokee County matter of *Jonathan Kyle Binney, #6009 vs. State of South Carolina* on April 22nd and April 23, 2013;

4. 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;

5. 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 on April 29, 2013;

6. 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 on April 29, 2013;

7. Counsel prepared Respondent's Response in Opposition to Motion for Relief from Judgment in the matter of *David Ceasar, #217220 vs. A. Padula, Warden*, C/A No.: 0:12-316-MGL-PJG on May 1, 2013;

8. Counsel was out of the office on sick leave on Friday, May 3, 2013 and Monday, May 6, 2013;

9. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Theodore Davis, Jr., #217549 vs. Warden, BRCI*, C/A No. 0:13-109-DCN-PJG on May 8, 2013; and

10. Counsel prepared the Final Brief of Respondent in the Spartanburg County direct appeal matter of *The State vs. Charvus Tarrel Nesbitt* today, May 15, 2013.

Due to these reasons, counsel was unable to properly prepare the Initial Brief of Respondent and Designation of Matter in this case in a timely fashion and requests an extension. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, counsel hereby respectfully requests a thirty (30) 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

Chief Deputy Attorney General


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
No. 4425

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 

WILLIAM EDGAR SALTER, III,
Senior Assistant Attorney General

By: 

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

May 15, 2013

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Lancaster County
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THE STATE,

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ANTHONY RODRICKUS CARTER,

Appellant.

PROOF OF SERVICE

I, William Edgar Salter, III, do hereby certify that on this date, I served the *Petition for Third Extension of Time to File Initial Brief of Respondent and Designation of Matter* in the foregoing action on counsel for the Appellant by depositing two (2) copies of the same in the United States mail, first-class postage prepaid, and addressed as follows:

Kathrine H. Hudgins, Esq.
SCCID - Division of Appellate Defense
1330 Lady St., Ste #401
Columbia, SC 29201-3332

This 15th day of May, 2013.

By: 
ATTORNEYS FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

May 15, 201~~2~~²
/ 2013

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

RECEIVED

MAY 15 2013

SC Court of Appeals

Re: Third Extension Request
The State v. Anthony Rodrickus Carter
Appeal from Lancaster County
Appellate Case No. 2011-203566

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) 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 15, 2013. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

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

William Edgar Salter, III
Senior Assistant Attorney General

WES:dmd
Enclosures

cc: Kathrine H. Hudgins, Esq. (w/two (2) copies of encls.)