

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jul 15 2022

SC Court of Appeals

Appeal from Lexington County
The Honorable G. Thomas Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JASON DONN LEE,

APPELLANT

APPELLATE CASE NO. 2019-001977

**MOTION FOR AN EXTENSION TO FILE THE INITIAL BRIEF OF
RESPONDENT AND DESIGNATION OF MATTER**

Counsel for The State of South Carolina respectfully requests a **seven (7) day extension until July 22, 2022**, in which to file the initial brief of respondent and designation of matter in the above-referenced case. This is a second request for an extension. In support of this request, counsel shows:

1. Counsel has been reviewing matters due to his involvement as Chairman on the Office of the Attorney General's Appellate Review Committee. The Committee was formed to review all adverse rulings in capital, federal habeas, direct appeals, and Post-Conviction Relief matters, and to determine whether the State will appeal these rulings. In the last thirty days, counsel has reviewed the following matters: on June 24, 2022, *Larry Tyler v. State*, a Darlington County Post Conviction Relief matter; also on June 24, 2022, *Starken Tyrise Jefferson v. State of South Carolina*, a Laurens County Post Conviction

Relief matter; on July 8, 2022, *State v. Bowers*, Op. No 28101 (S.C. Ct. June 29, 2022) a Beaufort County criminal appeal.

2. Counsel prepared and filed a federal habeas corpus Return in the case of *Al M. Green vs. Warden Jackson*, Case No. 1:22-cv-1175-SAL-SVH on June 22, 2022, a case pending in the district court.

3. Counsel filed the Status Report on June 30, 2022 in the case of *James Robertson v. Jon Ozmint*, Case No.2:11-cv-00063-TMC-MGB, a federal habeas corpus action brought by a death sentenced inmate and pending in the district court.

4. Counsel filed the Status Report in the case of *Anthony Woods vs. Bryan P. Sterling* on July 5, 2022, Case No. 5:18-CV-00144-DCN-KDW, a federal habeas corpus case pending in the district court.

5. Counsel filed a Status Report on July 12, 2022 in the case of *James Robertson v. Jon Ozmint*, Case No.2:11-cv-00063-TMC-MGB, informing the court that the Petitioner has new counsel, Derek J. Enderlin. Also Respondent informed the court that pursuant to an email from Sarah Shugars, Law Clerk to the Honorable Keith R. Kelly, relief will not be granted in *James D. Robertson, #5067 v. State*, 2011-CP-46-0072, a successive death penalty PCR, and Respondent was directed to prepare a Proposed Order.

6. On July 15, 2022, counsel filed a Response to the Applicant's Motion to Disallow Attorney General to Draft a Proposed Order in *James D. Robertson, #5067 v. State*, 2011-CP-46-0072.

7. In the instant case, counsel has largely completed the Initial Brief and Designation of Matter but needs more time to perfect it for filing.

WHEREFORE, the undersigned counsel would respectfully request a seven (7) day

extension until **July 22, 2022**, in which to file the initial brief of respondent and designation of matter in this case based upon the above exigent circumstances. Opposing counsel has consented to all extensions through July 31, 2022.

Respectfully Submitted,

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BY: s/William Edgar Salter, III
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

July 15, 2022.

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PROOF OF SERVICE

I, William Edgar Salter, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Second Extension to file the Initial Brief of Respondent & Designation of Matter, and Proof of Service have been forwarded to Appellant's counsel, David Alexander, Esq., via email today, July 15, 2022 to dalexander@sccid.sc.gov, and Mr. Alexander's legal assistant, Lindsey Matthews to lmattews@sccid.sc.gov.

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

This 15th day of July 2022.

s/William Edgar Salter, III
William Edgar Salter, III
Senior Assistant Attorney General

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