

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
The Honorable Brooks P. Goldsmith, Circuit Court Judge

Appellate Case No. 2015-002339

RECEIVED
APR 15 2016
SC Court of Appeals

THE STATE,

Respondent,

vs.

WALTER TUCKER,

Appellant.

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, April 15, 2016, upon this Court's grant of Respondent's first request for an extension filed on March 18, 2016.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since March 16, 2016. Specifically,

1. Counsel prepared and filed the Respondent's Response to Petitioner's Motion for Relief from Judgment [Doc. #49], as per Text Order [Doc. #52] in the matter of Cody Sintell Waters, #328607 vs. Dennis Bush, C/A No. 9:14-2003-MGL on March 22, 2016;

2. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Kareem Jabbar Leaphart, #297361 vs. Warden Willie L. Eagleton, C/A No.: 2:15-4910-JMC-MGB on March 24, 2016;

3. Counsel prepared and filed the Respondent's Objections to the Report and Recommendations in the matter of Albert Santanio Kelly, #277334 a/k/a Albert Santanieyo Kelly vs. Warden, Kirkland Correctional Institution, C/A No. 4:15-1518-TLW-TER, also on March 24, 2016;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Henry Green, #126515 vs. Cecilia Reynolds, Warden, C/A No.: 5:15-04867-RMG-KDW on April 4, 2016;

5. Counsel prepared and filed Respondent's Reply to Objections to Report and Recommendations in the matter of Corey J. Robinson, #294233 vs. Joseph McFadden, Warden, C/A No. 5:14-4718-JMC, also on April 4, 2016;

6. Counsel prepared and filed Respondent's Response to Text Order [ECF #32] and Renewed Motion for Summary Judgment in the matter of Lord Byron Slater, #279992 vs. Leroy Cartledge, C/A No. 2:15-1486-SB-MGB on April 6, 2016;

7. Counsel prepared and filed the Respondent's Reply to Petitioner's Response to Motion for Summary Judgment [ECF #53] in the matter of Casey Jenkins, #349382 vs. John R. Pate, C/A No. 5:15-02241-JMC-KDW on April 7, 2016;

8. Counsel presented oral argument on behalf of the State before the South Carolina Court of Appeals on Tuesday, April 12, 2016 in the consolidated matters of The State vs. Devatee Tymar Clinton and The State vs. Al Martinez Green, Lancaster County murder appeal matters;

9. Counsel filed Respondent's Response in Opposition to Petitioner's Motion for Summary Judgment [ECF #52] in the matter of Casey Jenkins, #349382 vs. John R. Pate, C/A No. 5:15-02241-JMC-KDW on Wednesday, April 13, 2016; and

10. Counsel will be attending a capital Post-Conviction Relief hearing regarding a determination of intellectual disability scheduled to occur Monday, April 18 through Wednesday, April 20, 2016 in the matter of William H. Bell vs. State of South Carolina, 2003-CP-04-1857, before the Honorable R. Lawton McIntosh in Anderson County.

However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial Brief in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, 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

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General

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

By: 
WILLIAM EDGAR SALTER, III

April 15, 2016.

ATTORNEYS FOR RESPONDENT

**STATE OF SOUTH CAROLINA
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PROOF OF SERVICE


I, William E. Salter, III, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorneys of record:

Derek M. Wright, Esq.
50 Hurt Plaza, Suite 802
Atlanta, Georgia 30303

Robert E. Ferguson, Jr., Esq.
P.O. Box 845
Beaufort, South Carolina 29901

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

This 15th day of April, 2016.


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



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

April 15, 2016

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


Re: State v. Walter Tucker
Appellate Case No. 2015-002339

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, April 15, 2016. 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 Second Extension to File Initial Brief of Respondent and Designation of Matter. I have obtained consent from counsel for Appellant regarding this extension request.

Sincerely,


William Edgar Salter, III
Senior Assistant Attorney General

WES/dmd
Enclosures

cc: Derek M. Wright, Esq. (w/two copies of encls.)
Robert E. Ferguson, Jr. (w/two copies of encls.)