

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

Appellate Case No. 2015-002339

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THE STATE,

Respondent,

vs.

WALTER TUCKER,

Appellant.

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MAY 16 2016  
SC Court of Appeals

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

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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, May 16, 2016, upon this Court's grant of Respondent's second request for an extension filed on April 18, 2016.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since April 15, 2016. Specifically,

1. Counsel filed Respondent's Response in Opposition to Petitioner's Objections to Magistrate Judge's Report and Recommendation in Yahya MuQit, #318455, a/k/a Yahya Muquit vs. Warden Bush, C/A No. 8:14-3555-RBH on April 15, 2016;

2. Counsel attended a capital Post-Conviction Relief hearing regarding a determination of intellectual disability on Monday, April 18, 2016 and Tuesday, April 19, 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.

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Arnold Lea Ward, #109169 vs. Warden John Pate, C/A No. 4:16-320-DCN-TER on April 25, 2016;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Jacoby G. Fields, #349115 vs. Joseph McFadden, C/A No. 5:16-00038-DCN-KDW on May 2, 2016;

5. Counsel also filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Carlos Gonzalez, a/k/a Carlos Gonzales vs. Warden Willie L. Eagleton, C/A No. 9:15-3386-RMG-BM on May 5, 2016; and

6. Counsel filed the Respondent's Status Report and Response to Text Order filed August 6, 2015 [ECF #45] in the matter of Terriel L. Mack, #312070 vs. Larry Cartledge, Warden, C/A No. 9:14-295-TMC-BM on May 6, 2016.

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

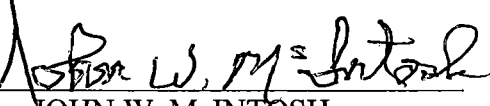
WILLIAM EDGAR SALTER, III  
Senior Assistant Attorney General

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

By:   
WILLIAM EDGAR SALTER, III

ATTORNEYS FOR RESPONDENT

May 16, 2016.

By:   
JOHN W. McINTOSH  
Chief Deputy Attorney General

I support the finding of good cause.

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**PROOF OF SERVICE**

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I, William Edgar Salter, III, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a third 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

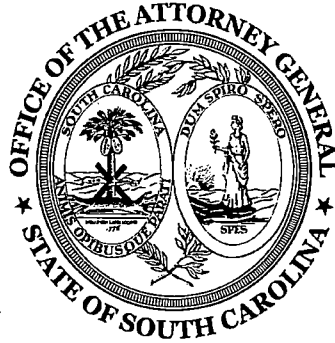
I further certify that all parties required by Rule to be served have been served.

This 16<sup>th</sup> day of May, 2016.



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



ALAN WILSON  
ATTORNEY GENERAL

May 16, 2016

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MAY 16 2016

SC Court of Appeals

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, May 16, 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 Third Extension to File Initial Brief of Respondent and Designation of Matter.

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.)