

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
The Honorable Paul M. Burch, Circuit Court Judge

Appellate Case No. 2017-001500

THE STATE,

Respondent,

vs.

JERMAINE MARQUEL BELL,

Appellant.

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**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:

Due to internal issues with support staff, counsel for Respondent inadvertently missed the due date to file the Initial Brief of Respondent and Designation of Matter on July 5, 2018, as per this Court's Order dated June 8, 2018. Counsel for Appellant has graciously consented to this extension via email today, September 7, 2018.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since August 8, 2018. Specifically,

1. Counsel has been reviewing matters due to his involvement as Chairman on the Office of the Attorney General's Appellate Decision Review Committee. The Committee was formed to review all adverse decisions 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: State vs. Demetrik Maurice Ceaser, a Florence County direct appeal matter; The State vs. Frederick Reaves, a Marion County direct appeal matter; Corey Brown vs. State of South Carolina, 2014-GS-24-1262, a Greenwood County post-conviction relief matter; Tyrone King v. State, a Marlboro County direct appeal matter; Jeffrey Andrews v. State, a Sumter County direct appeal matter; Julie Lynn Gordon-Gookins vs. State of South Carolina, 2017-CP-10-3310, a Charleston County post-conviction relief matter; John Upson v. State, an Aiken County post-conviction relief matter; in the State vs. James Crews, South Carolina Court of Appeals' Unpublished Opinion 2018-UP-339, a Dorchester County criminal appeal matter; the State vs. Preston Shands, Jr., Appellate Case No. 2015-001199, a Laurens County criminal appeal matter; the State vs. Johnnie Lee Lawson, Appellate Case No. 2015-002467, a Lexington County criminal appeal matter; the State vs. Scott R. Wendelberger, a Charleston County criminal appeal matter; State vs. Archie Harden, Appellate Case No. 2015-000516, an Orangeburg County criminal appeal matter; State v. Steven Otts, Appellate Case No. 2014-00274, a Saluda County murder appeal matter; the matter of In re: Andrew R.; The State v. Shannon Scott, Appellate Case No. 2017-001607, a Richland County murder appeal matter; and Earnest Maurice Allen, #310134 v. State, 2017-CP-28-0904, a Kershaw County post-conviction relief matter; Charlie Ellis Cutshaw v. State, 2017-CP-46-00190, a Sixteenth Circuit post-conviction relief matter;

2. Counsel prepared the Petition for Writ of Certiorari in the United States Supreme Court in the matter of South Carolina vs. Lamont A. Samuel, No. 18-238, an Orangeburg county direct appeal matter on August 21, 2018;

3. Counsel filed the Respondent's Response Opposing Petitioner's Motion for Leave to File Amicus Brief in the matter of Farid A. Mangal, #320609 vs. Warden, Perry Correctional Institution, C/A No. 6:18-00106-RBH-KFM on August 23, 2018;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of William Cannon Gresham, #349177 vs. Charles Williams, C/A No. 6:18-938-HMH-KFM on August 29, 2018;

5. Counsel also filed the Respondent's Response to Petitioner's Opposition and Reply to Respondent's Motion for Summary Judgment in the matter of Farid A. Mangal, #320609 vs. Warden, Perry Correctional Institution, C/A No. 6:18-00106-RBH-KFM on August 29, 2018; and

6. Counsel has also done some work preparing the Initial Brief of Respondent in the matter of The State vs. Justin Jamal Warner, Appellate Case No. 2017-001313, an Anderson County murder appeal matter now pending in the South Carolina Court of Appeals;

7. Counsel has also done some work preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Richey L. Boyd, #344612 vs. Warden, Perry Correctional Institution, C/A No. 5:18-01582-BHH-KDW. Counsel is also involved in Chris A. Liverman, #308393 vs. State of South Carolina, 2012-CP-40-4870, a Richland County murder post-conviction relief matter.

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

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
ID No. 14244

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
ID No. 4806

By: 

WILLIAM EDGAR SALTER, III

ATTORNEYS FOR RESPONDENT

September 7, 2018.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County
The Honorable Paul M. Burch, Circuit Court Judge

Appellate Case No. 2017-001500

THE STATE,

Respondent,

vs.

JERMAINE MARQUEL BELL,

Appellant.

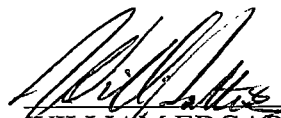
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PROOF OF SERVICE

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 attorney of record, David Alexander, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

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

This 7th day of September, 2018.


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



ALAN WILSON
ATTORNEY GENERAL

September 7, 2018

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SC Court of Appeals

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

Re: *The State v. Jermaine Marquel Bell*
Appeal from Chester County
Appellate Case No. 2017-001500

Dear Ms. Kitchings:

I am in receipt of this Court's letter dated September 6, 2018. I am hereby requesting an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. 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. Counsel for Appellant has consented to this request.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES/dmd
Enclosures

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

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