

2nd ADS due 10/10/18  
NEW due date 11/9/18

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Berkeley County  
Honorable Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

**RECEIVED**

OCT 10 2018

SC Court of Appeals

v.

ERIC D. McCALL,

APPELLANT.

APPELLATE CASE NO. 2017-000800

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

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The above-named Respondent, by and through the undersigned attorneys, would respectfully move this Court for a second extension of time within which to file the return or otherwise plead. The response in the above action is due to be served and filed today, October 10, 2018. Counsel for Respondent has contacted Appellant's counsel, and he has graciously consented to this extension request. However, the undersigned counsel for the Respondent will not be able to respond within the allotted time for the following reasons:

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State*, an Aiken County post-conviction relief matter; in the *State vs. James Crews*, South Carolina Court of Appeals' Unpublished Opinion 2018-UP-339, a Dorchester County criminal appeal matter; the *State vs. Preston Shands, Jr.*, Appellate Case No. 2015-001199, a Laurens County criminal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; *Michael W. McCraw v. State*, C/A No. 2017-CP-41-96, a Saluda County Post Conviction Relief matter; *Derekee M. Johnson, #247000 vs. State*, C/A No. 2017-CP-20-152, a Fairfield County post-conviction relief matter; *Mauwell J. Ervin, Jr., #3566337 vs. State of South Carolina*, 2015-CP-24- 01268, a Greenwood County post-conviction relief matter; *Kevin C. Casey vs. State of South Carolina*, Appellate Case No. 2016-001686, a Spartanburg County murder; and *Charlie Ellis Cutshaw, Jr. vs. State of South Carolina*, 2017-CP-46-0190, a York county post-conviction relief matter;

2. Counsel filed the Respondent's Response to Dr. Assa'Ad-Faltas' Motion for Appeal in *Farid A. Mangal, #320609 vs. Warden, Perry Correctional Institution*, C/A No. 6:18-00106-RBH-KFM on September 10, 2018;

3. Counsel filed 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 on September 17, 2018;

4. Counsel filed the *Respondent's* Response to Motion to Stay of Proceedings in the matter of *Devan Dwyer, #302693 vs. Warden Aaron Joyner*, C/A No. 9:18-537-MGL-BM on September 19, 2018;

5. Counsel filed the Return to Petition for Writ of Certiorari in the matter of *David Lee Meggett vs. State of South Carolina*, Appellate Case No. 2018-000065 on September 24, 2018;

6. Counsel filed the Respondent's Response to Objections to Report and Recommendation in the matter of *Carlynias Pettigrew, #351719 vs. Michael Stephen, Warden*, C/A No. 2:17-02894-BHH-MGB, also on September 24, 2018;

7. Counsel filed the Respondent's Response to September 19, 2018 Text Order [ECF #26] and Brief on Applicability of Statute of Limitations in the matter of *Jeremy S. Wright, #302369 vs. Joel Anderson*, C/A No. 8:18-191-TMC-JDA on September 26, 2018;

8. Counsel prepared and filed the Return and Motion to Dismiss in the Clarendon County capital post-conviction relief matter of *Anthony Woods v. State of South Carolina*, 2018-CP-14-382 on October 3, 2018; counsel also prepared the Respondent's Petition for Reassignment of Original PCR Judge and Request for Order Expediting Review of Successive Application in this matter on October 4, 2018;

9. Counsel filed a Response in Opposition to Motion to Stay Proceedings Pending Exhaustion of State Court Remedies [ECF #54] in the capital Clarendon County matter of *Anthony Woods vs. Stirling, et al.*, 5:18-00144-DCN-KDW on October 3, 2018;

10. Counsel has done a substantial amount of 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; and

11. Counsel filed the Return and Memorandum of Law in support of Motion for Summary Judgment in the matter of *Tommy McKnight, #186784 vs. Aaron S. Joyner*, C/A No. 8:18-1871-JFA-JDA, yesterday, October 9, 2018.

Due to counsel's involvement in these and other matters pending in state and federal court, counsel for Respondent moves this Court to enlarge the time for filing the response by granting a thirty (30) day extension up to and including November 9, 2018. This request is made in good faith, and not for the purpose of delay.

Respectfully Submitted,

ALAN WILSON  
Attorney General


DONALD J. ZELENKA  
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Senior Assistant Deputy Attorney General  
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By:   
ATTORNEYS FOR RESPONDENT

October 10, 2018.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Berkeley County  
Honorable Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ERIC D. McCALL,

APPELLANT

APPELLATE CASE NO. 2017-000800

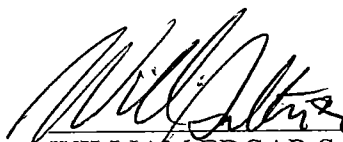
PROOF OF SERVICE

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I, William Edgar Salter, III, counsel for the Respondent, certify that I have served the within Motion for Second Extension of Time to File Initial Brief of Respondent on Appellant by depositing two (2) copies of the same via U.S. mail, first class, postage prepaid to his attorney of record, Tristan Michael Shaffer, Esq., P.O. Box 1027, Chapin, South Carolina 29036.

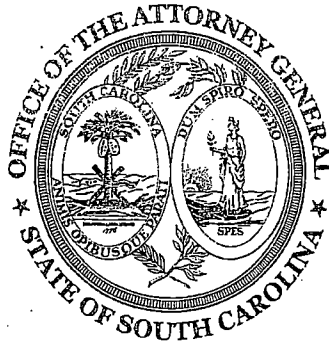
I further certify that all parties required by Rule to be served have been served.

This 10<sup>th</sup> day of October, 2018.



WILLIAM EDGAR SALTER, III  
Office of Attorney General  
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ATTORNEY FOR RESPONDENT



ALAN WILSON  
ATTORNEY GENERAL

October 10, 2018

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

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OCT 10 2018

SC Court of Appeals

Re: *The State v. Eric D. McCall*  
Appeal from Berkeley County  
Appellate Case No. 2017-000800

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, October 10, 2018. 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 extension request.

Sincerely,

William Edgar Salter, III  
Senior Assistant Attorney General

WES:dmd

Enclosures

cc: Tristan Michael Shaffer, Esq. (w/two copies of encls.)