

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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DEC 10 2018
SC Court of Appeals

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

THE STATE,

RESPONDENT,

V.

ERIC D. MCCALL,

APPELLANT.

APPELLATE CASE NO. 2017-000800

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

The above-named Respondent, by and through the undersigned attorneys, would respectfully move this Court for a fourth 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, Monday, December 10, 2018. Appellant's counsel 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State*, an Aiken County post-conviction relief matter; in the *State vs. James Crews*, South Carolina Court of Appeals' Unpublished Opinion 2018-UP-339, a Dorchester County criminal appeal matter; the *State vs. Preston Shands, Jr.*, Appellate Case No. 2015-001199, a Laurens County criminal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; *Rico Hartwell, #261299 vs. State of South Carolina*, a Berkeley County post-conviction relief matter; *John M.*

McIntyre and Silver Oak Land Management v. Securities Commissioner of South Carolina, Appellate Case No. 2015-001845, a Securities matter pending in the South Carolina Court of Appeals; *State v. David White*, Appellate Case No. 2016-000616, a Charleston County direct appeal matter pending in the South Carolina Court of Appeals; *Darrell L. Goss v. State*, Appellate Case No. 2016-002186, a Charleston County post-conviction relief appeal matter pending in the South Carolina Supreme Court; *State vs. M'Andre Cochran*, a Georgetown County direct appeal matter; and *Dr. Marie Assa'Ad Faltas' vs. State of South Carolina*, 2017-CP-40-6831;

2. Counsel for Respondent filed the Initial Brief of Appellant and Designation of Matter on November 21, 2018 in the matter of *The State vs. M'Andre Cochran*, Appellate Case No. 2018-001023, a Georgetown murder appeal matter currently pending in the South Carolina Court of Appeals;

3. Counsel filed the Respondent's Response in Opposition to Petitioner's Objection to Report and Recommendation on November 26, 2018 in the matter of *Jeremy Saquan Wright, #302369 vs. Joel Anderson*, C/A No. 8:18-191-TMC-JDA;

4. Counsel also filed Respondent's Response to Text Order ECF #31 in the matter of *Devan Jevon Dwyer, #302693 vs. Warden Aaron Joyner*, C/A No. 9:18-537-MGL-BM on November 30, 2018;

5. Counsel filed the Reply Brief for Petitioner on December 3, 2018 in the matter of *State of South Carolina vs. Lamont Antonio Samuel*, Case No. 18-238, an Orangeburg County murder appeal matter now pending in the United States Supreme Court;

6. Counsel was out of the office on Tuesday, November 13, 2018 at the South Carolina Solicitor's Association and South Carolina Commission on Prosecution Coordination 2018 Annual Conference in Myrtle Beach, South Carolina;

7. Counsel was out of the office on Wednesday, December 5, 2018;

8. Counsel is currently preparing a Response in Opposition regarding Motion for Summary Judgment in the matter of *The State v. Richey Boyd*, C/A No. 5:18-01582-BHH-KDW; and

9. Counsel is currently preparing the Initial Brief of Respondent and Designation of Matter in the matter of *The State vs. Jermaine Bell*, Appellate Case No. 2017-001500, a Chester County murder appeal matter now pending in the South Carolina Court of Appeals, and in this matter.

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 January 9, 2019. This request is made in good faith, and not for the purpose of delay.

Respectfully Submitted,

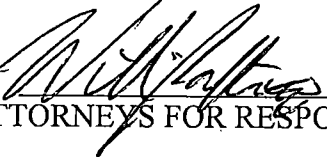
ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
No. 07979

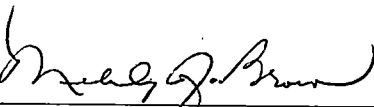
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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

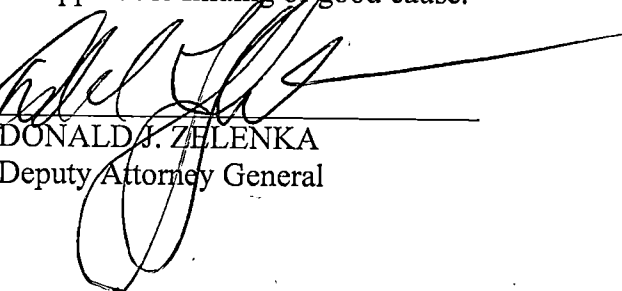
By: 
ATTORNEYS FOR RESPONDENT

December 10, 2018.

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I also support the finding of good cause.

By: 
DONALD J. ZELENSKA
Deputy Attorney General

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

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THE STATE,

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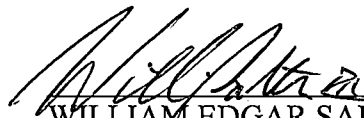
APPELLATE CASE NO. 2017-000800

PROOF OF SERVICE

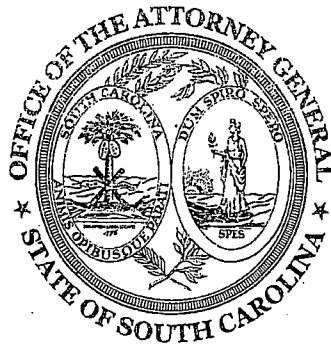
I, William Edgar Salter, III, counsel for the Respondent, certify that I have served the within Motion for Fourth Extension of Time to File Initial Brief of Respondent on Appellant by depositing two (2) copies of the same via U.S. mail, first class, postage prepaid to his attorney of record, Tristan 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 10th day of December, 2018.


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

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

December 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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SC Court of Appeals

Re: The State vs. Eric D. McCall
Appellate Case No. 2017-000800

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Fourth Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. I am informing opposing counsel of my request by copy of this letter.

Thank you for your assistance in this matter.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES/ams
Enclosures

cc: Tristan Shaffer, Esq. (w/two copies of encls.)
Victim Advocacy Division (w/ copies of encls.)