

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Pickens County  
The Honorable Letitia H. Verdin, Circuit Court Judge

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FEB 01 2019

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JOHN MCCARTY,

APPELLANT,

Appellate Case No. 2017-002377

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

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Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter. This is Respondent's third request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

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. Marie Assa'Ad Faltas, MD, MPH v. State of South Carolina*, 2018-CP-40-01798 and 2017-CP-40-6831; *State v. Angela Pressley Greene*, Appellate Case No. 2018-000066, a Greenville County murder appeal matter;

and *State vs. Randy Wright*, Appellate Case No. 2017-002130, a Berkeley County direct appeal matter; *State v. Charles Thomas Riley*, an Orangeburg County direct appeal matter; *State vs. Wyatt Altman*, a Florence County direct appeal matter; and *State vs. Marshall Hill*, a Greenville County criminal appeal matter;

2. Counsel filed on January 8, 2019 a Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Gregory Daniels, #297449 v. Warden of Lee Correctional Institution*, C/A No. 5:18-3064-RMG-KDW, a federal habeas matter pending in the United States District Court for the District of South Carolina;

3. Counsel filed on January 14, 2019 a Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Damon Jaques Jones v. Warden Charles Williams*, C/A No. 1:18-2600-HMH-SVH, a federal habeas matter pending in the United States District Court for the District of South Carolina;

4. Counsel filed on January 16, 2019 a Return to Petition for Writ of Certiorari in the matter of *Johnny Lee Paden, Jr. v. The State*, Appellate Case No. 2018-000098, a Greenville County DNA appeal matter pending in the South Carolina Court of Appeals;

5. Counsel filed on January 24, 2019 a Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *La'Quan D. Bryan v. Charles Williams*, C/A No. 1:18-3007-RBH-SVH, a federal habeas matter pending in the United States District Court for the District of South Carolina;

6. Counsel filed on January 24, 2019 the Final Brief of Respondent in the matter of *The State v. Jermaine Bell*, Appellate Case No. 2017-001500, a Chester County murder appeal matter pending in the South Carolina Court of Appeals;

7. Counsel filed on January 28, 2019 the Return to Petition for Writ of Certiorari in the matter of *Gene Tony Cooper v. The State*, Appellate Case No. 2018-001149, a Lexington County murder appeal matter pending in the South Carolina Supreme Court; and

9. Counsel is currently preparing a Brief of Respondent in the matter of *Richard Bernard Moore v. Bryan Stirling et al.*, C/A No. 18-4, a federal habeas matter pending in the United States Court of Appeals for the Fourth Circuit.

This is the third request for an extension of time in which to file a response.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.


Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

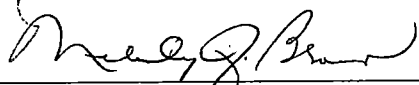
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

WILLIAM EDGAR SALTER, III  
Senior Assistant Attorney General  
**ATTORNEYS FOR RESPONDENT**

By:   
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
Telephone: (803) 734-6305

February 1, 2019.

I support the finding of good cause.

By: 

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA  
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The Honorable Letitia H. Verdin, Circuit Court Judge  
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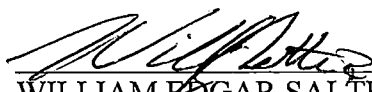
Appellate Case No. 2017-002377  
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**CERTIFICATE OF SERVICE**  
\_\_\_\_\_

I, William Edgar Salter, III, certify that I have served Respondent's Motion for a Third Extension of Time on counsel for Appellant, by depositing two copies of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

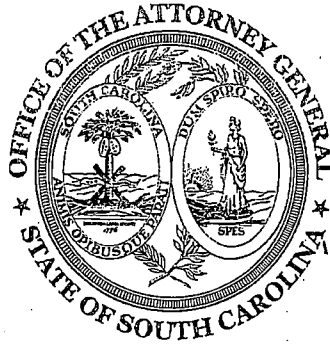
Susan B. Hackett, Appellate Defender  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

This 1<sup>st</sup> day of February 2019.



\_\_\_\_\_  
WILLIAM EDGAR SALTER, III  
Senior Assistant Attorney General  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-6305

ATTORNEY FOR RESPONDENT



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SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

February 1, 2019

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

Re: The State vs. John McCarty  
Appellate Case No. 2017-002377

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Third 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/ab

Enclosures

cc: Susan B. Hackett, Esq.  
Victim Advocacy Division