

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Spartanburg County
Honorable R. Keith Kelly, Circuit Court Judge

RECEIVED

FEB 13 2019

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANGELITA NICOLE WRIGHT,

APPELLANT.

APPELLATE CASE NO. 2017-002531

**MOTION FOR FIFTH 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 fifth extension of time within which to file the Initial Brief of Respondent and Designation of Matter. The Brief in the above action is due to be served and filed today, Wednesday, February 13, 2019. Respondent was unable to reach Mr. Jordan Christopher Calloway, Esquire but has consulted with Chief Appellate Defender Robert M. Dudek on behalf of Mr. Calloway, who has graciously consented to this 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. 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;

8. Counsel filed on February 6, 2019 the 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; and

9. Counsel filed on February 8, 2019 the Initial Brief of Respondent and Designation of Matter in the matter of *The State v. Eric McCall*, Appellate Case No. 2017-000800, a Berkeley County murder appeal matter pending in the South Carolina Court of Appeals.

The undersigned would also note that I am now receiving additional assistance with my workload from the Capital Litigation Unit's law clerk, who has just resumed working here following winter break, in an effort to avoid the necessity of any additional extensions.

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 March 15, 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

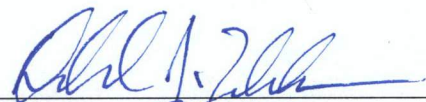
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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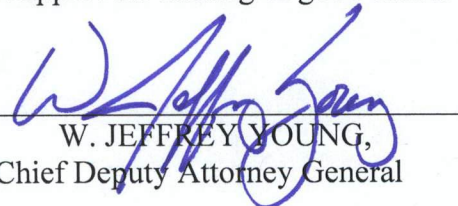
By: 
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

February 13, 2019.

I support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

I also support the finding of good cause.

By: 
W. JEFFREY YOUNG,
Chief Deputy Attorney General

STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

I, William Edgar Salter, III, counsel for the Respondent, certify that I have served the within Motion for Fifth 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 her attorneys of record, Jordan C. Calloway, Esq., McGowan, Hood & Felder, LLC, 1539 Health Care Drive, Rock Hill, South Carolina 29732, and to Robert M. Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

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

This 13th day of February, 2019.


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

February 13, 2019

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

RECEIVED
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SC Court of Appeals

Re: The State vs. Angelita Wright
Appellate Case No. 2017-002531

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Fifth Extension of Time to File Initial Brief of Respondent and Designation of Matter, 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: Robert M. Dudek, Esquire
Jordan Christopher Calloway, Esquire
Victim Advocacy Division