

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

v.

ANGELITA NICOLE WRIGHT,

APPELLANT.

APPELLATE CASE NO. 2017-002531

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

RECEIVED
MAR 13 2019
SC Court of Appeals

The above-named Respondent, by and through the undersigned attorneys, would respectfully move this Court for a sixth 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, March 13, 2019. 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;

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; *State vs. Marshall Hill*, a Greenville County criminal appeal matter; *State vs. Daniel Martinez Herrera*, Appellate Case No. 2016-002523, a Laurens County criminal appeal matter; *Ernest Toney vs. State of South Carolina*, Appellate Case No. 2017-000063, a direct appeal from Lee County; *Jonathan O. Batchelor vs. State of South Carolina*, a Spartanburg County post-conviction relief matter; *The State vs. Trey Chavez Brown*, Appellate Case No. 2016-000526, an Abbeville County direct appeal matter; *Carnie Norris vs. State of South Carolina*, Case No. 2012-CP-42-4651, a Spartanburg County post-conviction relief matter; *Timothy Allen Lemacks v. State of South Carolina*, Appellate Case No. 2016-002387, a Colleton County appeal matter; *State v. Bobby Leon Smith*, Appellate Case No. 2018-000541, a Greenville County criminal appeal matter; *State v. John Henry Massey, Jr.*, Appellate Case No. 2015-000431, a York County criminal appeal matter and *Robert Osbey v. State of South Carolina*, Appellate Case No. 2017-001038, a Spartanburg County post-conviction relief matter;

2. Counsel appeared before Judge Benjamin H. Culbertson in Georgetown County on February 7, 2019 for arguments on Respondent's Motion to Dismiss the successive application for post-conviction relief in the matter of *Anthony Woods v. The State*, Case No. 2018-CP-14-382, a Clarendon County death penalty post-conviction relief matter pending in the Clarendon County Court of Common Pleas;

3. Counsel filed on February 8, 2019 an 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;

4. Counsel filed on February 15, 2019 a Response to Applicant's Interrogatories and Response to Applicant's Requests for Production of Documents in the matter of James D. Robertson v. The State, Case No. 2011-CP-46-072, a York County death penalty post-conviction relief matter pending in the York County Court of Common Pleas;

5. Counsel filed on February 19, 2019 a Supplemental Memorandum in Support of Return and Motion to Dismiss in the matter of Anthony Woods v. The State, Case No. 2018-CP-14-382, a Clarendon County death penalty post-conviction relief matter pending in the Clarendon County Court of Common Pleas; and

6. Counsel filed on February 28, 2019 a Return to Second Amended Application in the matter of James D. Robertson v. The State, Case No. 2011-CP-46-00072, a York County death penalty post-conviction relief matter pending in the York County Court of Common Pleas;

7. Counsel has to review over 4000 pages of discovery for a death penalty post-conviction relief hearing schedule for April 1, 2019 before the Honorable R. Keith Kelly in York County in the matter of James D. Robertson v. The State, Case No. 2011-CP-46-00072.

8. The undersigned would also note that I am now receiving additional assistance with my workload from the Capital Litigation Unit's law clerk, in an effort to avoid the necessity of any additional extensions.

9. Respondent consulted with opposing counsel, Jordan Calloway, Esquire who informed the undersigned's office that he could not consent to the extension request by the direction of his client.

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 Initial Brief of Respondent and Designation of Matter by granting a thirty (30) day extension up to and including April 12, 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

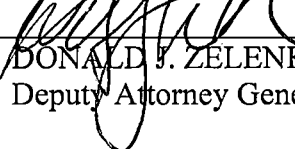
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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

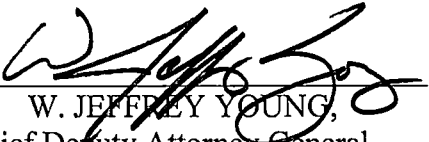
By: 
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

March 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
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

v.

ANGELITA NICOLE WRIGHT,

APPELLANT

APPELLATE CASE NO. 2017-002531

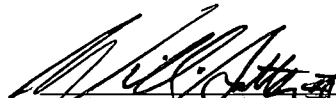
PROOF OF SERVICE

RECEIVED
MAR 13 2019
SC Court of Appeals

I, William Edgar Salter, III, counsel for the Respondent, certify that I have served within Motion for Sixth 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 March, 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

March 13, 2019

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

RECEIVED
MAR 13 2019
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 Sixth 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/ab

Enclosures

cc: Robert M. Dudek, Esquire
Jordan Christopher Calloway, Esquire
Victim Advocacy Division