

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

V.

EDWARD ISAAH NELSON,

APPELLANT.

APPELLATE CASE NO. 2018-000980

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

RECEIVED

APR 15 2019

SC Court of Appeals

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 Initial Brief of Respondent and Designation of Matter. The Brief in the above action is due to be served and filed today, Monday, April 15, 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: on March 22, 2019, *State v. Jeffrey Boyd Cooper*, Appellate Case No. 2016-000189, a Kershaw County direct appeal matter and *Gregory Bernard Roberts v. The State*, Case No. 2017-CP-40-7232, a Richland County post-

conviction relief matter. On April 5, 2019, *Charlie Cutshaw v. The State*, Case No. 2017-CP-46-0190, a York County post-conviction relief matter; *Ernest Battle vs. State of South Carolina*, 2019-000085, a Charleston County Post-Conviction Relief Appeal matter;

2. Counsel filed on March 22, 2019 a Supplemental Status Report and Response to Text Order Filed January 30, 2018 ECF#68 in the matter of *Terriel L. Mack v. Larry Cartledge*, C/A No. 9:14-295-TMC-BM, a federal habeas matter pending in the United States District Court for the District of South Carolina;

3. Counsel filed on March 25, 2019 a Response Opposing Motion for Stay of Proceedings in the matter of *Tommy McKnight v. Aaron Joyner*, C/A No. 8:18-1871-JFA-JDA, a federal habeas matter pending in the United States District Court for the District of South Carolina;

4. Counsel appeared before the Honorable R. Keith Kelly in York County in the matter of *James D. Robertson v. The State*, Case No. 2011-CP-46-0072 regarding a death penalty post-conviction relief hearing on April 2, 2019;

5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Thomas Lee Geddie, #351166 vs. Warden, Lieber Correctional Institution*, C/A No. 9:18-2236-TLW-BM on April 11, 2019;

6. Counsel also filed the Respondent's Reply to Opposition to Respondent's Motion for Summary Judgment in the matter of *Tommy McKnight, #186784 vs. Aaron S. Joyner*, C/A No.: 8:18-1871-JFA-JDA on April 12, 2019;

7. Counsel filed the Respondent's Response Opposition Motion to Compel and Other Requests for Discovery in the matter of *Donniel Woods, a/k/a Donneil Woods, a/k/a*

Donnell Woods vs. Aaron Joyner, Warden of Lee Correctional Institution, C/A No. 9:17-03336-TLW-BM on April 12, 2019; and

8. Counsel is currently preparing the Respondent's Response to Petitioner's Objections to Report and Recommendation in the matter of Gary Dubose Terry, #5054 vs. William R. Byars, Jr., Commissioner, SCDC, C/A No. 4:12-01798-RMG-TER, a capital Lexington County federal habeas matter now pending in the United States District Court for the District of South Carolina.

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 May 15, 2019. This request is made in good faith, and not for the purpose of delay.

Respectfully Submitted,

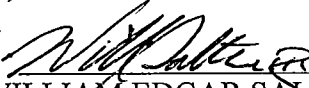
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By: 
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

April 15, 2019.

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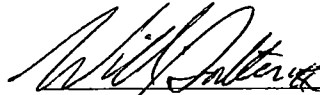
APPELLATE CASE NO. 2018-000980

PROOF OF SERVICE

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, Susan B. Hackett, 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 15th day of April, 2019.



WILLIAM EDGAR SALTER, III
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(803) 734-6305

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

April 15, 2019

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

Re: The State vs. Edward Isaiah Nelson
Appeal from Berkeley County
Appellate Case No. 2018-000980

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Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second Extension of Time to File Initial Brief of Respondent and Designation of Matter, together with Proof of Service, in the above-referenced matter. Counsel for Appellant has graciously consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES/dmd
Enclosures

cc: Susan B. Hackett, Esquire (w/two copies of encls.)
Trisha Allen, Victim Advocacy Division (w/copy of encl.)