

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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RECEIVED  
MAY 15 2019  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

EDWARD ISAAH NELSON,

APPELLANT.

APPELLATE CASE NO. 2018-000980

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

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The above-named Respondent, by and through the undersigned attorneys, would respectfully move this Court for a third 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, May 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 April 22, 2019, *The State v. Dean Alton Holcomb*, Appellate Case No. 2016-00197, a Greenville County direct appeal matter; *Christopher Charles Williams v. Bryan Stirling, et al.*, C/A No. 18-2, a Greenville County death

penalty federal habeas case; *James N. Bryant, III v. Bryan Stirling, et al.*, C/A No. 1:13-cv-2665-BHH-SVH, a Horry County death penalty federal habeas case; *James Watson v. The State*, Appellate Case No. 2018-001198, a Jasper County post-conviction relief matter and *The State v. Harold Gene White, III*, Case No. 2018-GS-46-0732 a York County direct appeal matter. On May 7, 2019, *James L. Carrier v. State of South Carolina*, C/A No. 2014-CP-24-1526, a Greenwood County Post-Conviction Relief matter and *Elvira Seay v. State of South Carolina*, C/A No. 2015-CP-23-0241, a Greenville County Post-Conviction Relief matter. On May 3, 2019, *The State v. Sylvester Ferguson*, Appellate Case No. 2018-002133, a Laurens County direct appeal matter.

1. Counsel prepared and submitted a proposed Order of Dismissal to The Honorable Alison Renee Lee on April 24, 2019 in the matter of Kimberly Ann Williams v. State of South Carolina, C/A No. 2014-CP-32-2118;

2. Counsel prepared and submitted an Amended Order of Dismissal to the Honorable Alison Renee Lee on May 3, 2019 in the matter of Kimberly Ann Williams v. State of South Carolina, C/A No. 2014-CP-32-2118;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Robert Watkins, #243803 v. S. Lewis, Warden, C/A No. 0:18-cv-2945-CMC-PJG, on May 9, 2019;

4. Counsel filed the Final Brief of Respondent in the matter of The State v. Eric McCall, Appellate Case No. 2017-000800, a Berkeley County direct appeal matter on May 13, 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 June 14, 2019. This request is made in good faith, and not for the purpose of delay.

Respectfully Submitted,

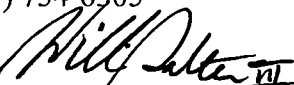
ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

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

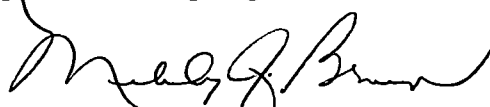
WILLIAM EDGAR SALTER, III  
Senior Assistant Attorney General  
No. 3710

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

By:   
WILLIAM EDGAR SALTER, III  
ATTORNEYS FOR RESPONDENT

May 15, 2019 .

I support the finding of good cause.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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**CERTIFICATE OF SERVICE**

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I, Angela Bennett, certify that I have served Respondent's Motion for a Second 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 15<sup>th</sup> day of May, 2019.



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ANGELA BENNETT  
Administrative Coordinator

Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-6305



ALAN WILSON  
ATTORNEY GENERAL

May 15, 2019

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

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

Dear Ms. Kitchings:

Enclosed for filing in your office is the original and six (6) copies of Respondent's Motion for Third Extension of Time to File Initial Brief of Respondent and Designation of Matter along with the Certificate of Service in the above-referenced case

Thank you for your assistance in this matter.

Sincerely,

Angela Bennett  
Legal Assistant to Walter Edgar Salter, III  
Senior Assistant Attorney General

WES/ab  
Enclosures

cc: Susan B. Hackett, Esquire  
Victim Advocacy Division

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