

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

RECEIVED

JUN 14 2019

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

EDWARD ISAAH NELSON,

APPELLANT.

APPELLATE CASE NO. 2018-000980

MOTION FOR FOURTH 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 fourth 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, Friday, June 14, 2019. The undersigned attorney for the Respondent moves that the time for serving and filing the Initial Brief of Respondent and Designation of Matter be extended by thirty (30) days up to and including July 15, 2019. This motion is made because the Respondent has not been 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 May 17, 2019, *The State v. Denzel Heyward*, Appellate Case No. 2015-000709, a Charleston County direct appeal matter, *The State v. Wyatt Altman*, Appellate Case No. 2019-000063, a Florence County matter, *The State v. Edward Dean*, Appellate Case No. 2016-001004, A Greenwood County direct appeal matter and *Robert Wright v. State of South Carolina*, C/A No.. 2017-CP-36-509, a Newberry County post-conviction relief matter. On May 31, 2019, *Jason Gourdine v. The State*, C/A No. 2018-CP-08-1056, a Berkeley County post-conviction relief matter. On June 7, 2019, *Terrence Cunningham v. The State*, C/A No. 2018-CP-40-2745, a Richland County post-conviction relief matter.

2. 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;

3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Angelita Nicole Wright, Appellate Case No. 2017-002531, a Spartanburg County direct appeal matter on May 15, 2019;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Bernard McFadden v. South Carolina Department of Corrections, C/A No. 2:18-cv-2739-JMC-MGB on May 23, 2019;

5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Leonard B. Goodwin v. Aaron S. Joyner, Warden, C/A No. 1:19-cv-960-MGL-SVH on June 5, 2019;

6. Counsel prepared and filed the Record on Appeal in the matter of The State v. M'Andre Cochran, Appellate Case No. 2018-001023, a Georgetown County direct appeal matter on June 6, 2019; and

7. Counsel is currently working on the proposed Order of Dismissal in the matter of Henry Gray v. The State, C/A No. 2014-CP-40-4139, a Richland County post-conviction relief matter.

However, due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,


ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

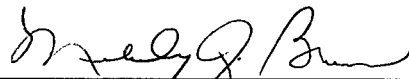
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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

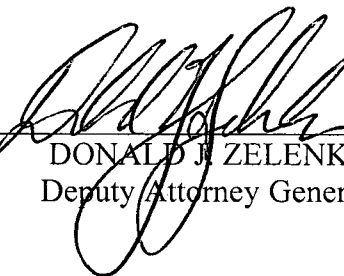
By: 
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

June 14, 2019.

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I also support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

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SC Court of Appeals

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The Honorable Kristi Lea Harrington, Circuit Court Judge

THE STATE,

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APPELLANT.


Appellate Case No. 2018-000980

CERTIFICATE OF SERVICE

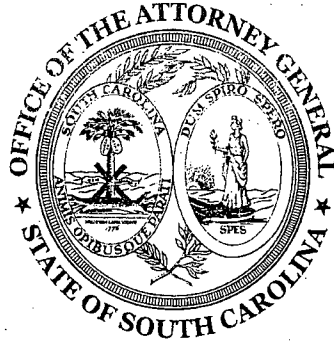
I, Angela Bennett, certify that I have served Respondent's Motion for a Fourth Extension of Time on counsel for Appellant, by depositing two copies of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

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

This 14th day of June, 2019.


ANGELA BENNETT
Administrative Coordinator

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



ALAN WILSON
ATTORNEY GENERAL

June 14, 2019

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SC Court of Appeals

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 Fourth 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