

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JUL 15 2019

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

THE STATE,

RESPONDENT,

v.

EDWARD ISAAH NELSON,

APPELLANT.

APPELLATE CASE NO. 2018-000980

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, July 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 June 21, 2019, *The State vs. Billy Lemurces Taylor*, Appellate Case No. 2016-000549, a Greenville County direct appeal matter; *State v. Danny Jame Plumley*, 2017-CP-23-04936, a Greenville County matter; and *Ron*

O'Neal Finklea, SK 6025 vs. State of South Carolina, 2010-CP-32-5076, a Lexington County capital matter. On July 12, 2019, *The State v. Charles Thomas*, C/A 2016-GS-10-2653; 2651, a Charleston County post-conviction relief matter; *The State v. William Howard Heath*, Appellate Case No. 2018-000938, a Lexington County direct appeal matter; and *Brandon H. Eaton v. The State*, Appellate Case No. 2017-001973, a Spartanburg County post-conviction relief appeal matter.

2. On June 17, 2019, counsel filed the Final Brief of Appellant in the matter of The State v. M'Andre Cochran, Appellate Case No. 2018-001023, a Georgetown County direct appeal matter;

3. On June 20, 2019, counsel submitted 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;

4. On June 20, 2019, counsel filed the Reply to Petitioner's Response to Respondent's Motion for Summary Judgment in the matter of Robert Watkins, #243803 v. S. Lewis, Warden, C/A No. 0:18-cv-2945-CMC-PJG;

5. On July 3, 2019 Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Treveen Gethers, #343706 vs. Bryan Stirling and Randall Williams, C/A No. 1:19-cv-1088-TMC-SVH; and

6. On July 8, 2019, counsel filed the Respondent's Response to Petitioner's Motion to Amend Petition in the matter of Henry J. Dukes, #347324 v. Warden, Lee Correctional Institution, C/A No. 4:19-cv-1211-TMC-TER.

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 August 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

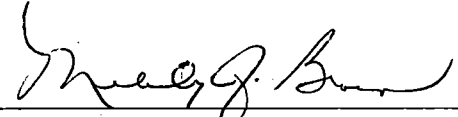
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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

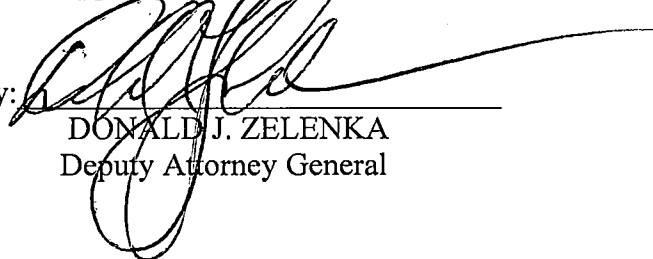
By: 
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

July 15, 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

STATE OF SOUTH CAROLINA
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The Honorable Kristi Lea Harrington, Circuit Court Judge

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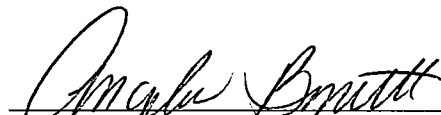
Appellate Case No. 2018-000980

CERTIFICATE OF SERVICE

I, Angela Bennett, certify that I have served Respondent's Motion for a Fifth 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 15th day of July, 2019.



ANGELA BENNETT
Administrative Coordinator

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



ALAN WILSON
ATTORNEY GENERAL

July 15, 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 Fifth 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