

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JUL 29 2019
SC Court of Appeals

Appeal from Horry County
Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RICKEY WADDELL WILSON,

APPELLANT.

APPELLATE CASE NO. 2018-000146

**MOTION FOR THIRD 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 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, July 29, 2019. Counsel is requesting a one-week extension up to and including August 5, 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 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. On July 19, 2019, *Anthony Marquese Martin v. The State*, Appellate Case No. 2016-002458, a Aiken County post-conviction relief matter; and *Jason Gourdine v. The State*, C/A 2018-CP-08-1056, a Berkeley County post-conviction relief matter.

2. 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;

3. 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; and

5. On July 19, 2019, counsel file the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Henry J. Dukes, #347324 v. Warden, Lee Correctional Institution, C/A No. 4:19-cv-1211-TMC-TER.

Counsel is currently working on the brief for the above captioned appeal and anticipate on filing the brief within the requested time frame.

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 one-week extension up to and including August 5, 2019. This request is made in good faith, and not for the purpose of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

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PROOF OF SERVICE

I, William Edgar Salter, III, counsel for the Respondent, certify that I have served the within Motion for Third 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, 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 29th day of July, 2019.


WILLIAM EDGAR SALTER, III
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(803) 734-6305


ATTORNEY FOR RESPONDENT

DONALD J. ZELENKA
Deputy Attorney General

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

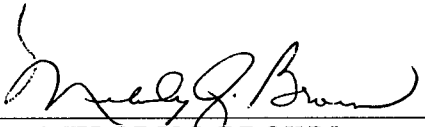
WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
No. 3710

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

By: 
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

July 29, 2019.

I support the finding of good cause.

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



ALAN WILSON
ATTORNEY GENERAL

July 29, 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. Rickey Waddell Wilson*
Appeal from Horry County
Appellate Case No. 2018-000146

Dear Ms. Kitchings:

I hereby request a one-week extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed on today's date. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Third Extension of Time to File Initial Brief of Respondent and Designation of Matter. By copy of this letter I am advising counsel for Appellant of this extension request.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES:ab
Enclosures
cc: Robert M. Dudek, Esq. (w/two copies of encls.)