

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County
Court of General Sessions

Honorable Edward W. Miller, Circuit Court Judge

Appellate Case No. 2018-001465

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OCT 01 2019
SC Court of Appeals

THE STATE,

V.

RESPONDENT,

ERIC DALE MORGAN,

APPELLANT.

SECOND MOTION EXTENSION OF TIME

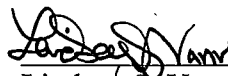
Appellant, Eric Dale Morgan, through undersigned counsel, respectfully requests the Court grant a brief extension of time in which to serve and file Appellant's Initial Reply Brief, currently due to be filed on October 3, 2019. Specifically, undersigned counsel requests an additional ten (10) days in which to file the Initial Reply Brief, resulting in a new filing date of October 15, 2019. In support of this motion, undersigned counsel would show this Court:

- (1) This Court granted Appellant's first extension request, extending the deadline to file and serve the Initial Reply Brief until October 3, 2019.
- (2) Undersigned counsel has consulted with counsel for Respondent who consents to the above requested ten (10) day extension of time.

- (3) Since this Court granted the initial extension, undersigned counsel prepared for and argued a habeas appeal in the Fourth Circuit Court of Appeals in the capital federal habeas case of Richard Bernard Moore. *Moore v. Stirling*, No. 18-4 (4th Cir.). The argument was held on September 20, 2019.
- (4) Undersigned counsel is also preparing a petition for rehearing in the capital post-conviction appeal of Stephen Stanko. *Stanko v. State*, Appellate Case No. 2017-002281. The deadline for filing the petition is October 4, 2019.
- (5) Undersigned counsel represents Bayan Aleksey in his capital post-conviction relief proceedings has spent significant time preparing for an evidentiary in Mr. Aleksey's case scheduled to commence on November 6, 2019. *Aleksey v. State*, No. 2015-CP-38-764.

For the above reasons, which counsel believes constitute good cause under this Court's Order Dated March 18, 2009, undersigned counsel requests that this Court extend the deadline for filing Appellant's Initial Reply Brief in this case an additional ten (10) days.

Respectfully submitted,



Lindsey S. Vann, SC Bar No. 101408
Justice 360
900 Elmwood Ave., Suite 200
Columbia, SC 29201
(803) 765-1044

September 30, 2019.

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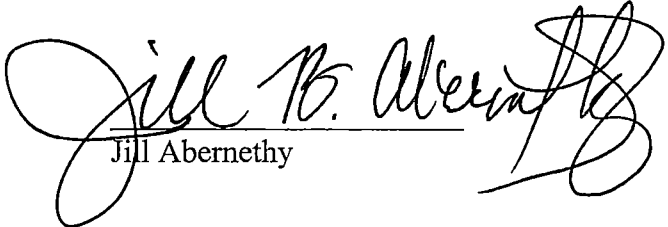
ERIC DALE MORGAN,

APPELLANT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petitioner's Second Motion for Extension of Time was served by first class United States mail, postage prepaid, this 30th day of September 2019, upon the following:

Melody Brown
Sherrie Butterbaugh
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211


Jill Abernethy

September 30, 2019

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SC Court of Appeals

The Honorable Jenny Abbot Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Eric Dale Morgan v. State of South Carolina*
2018-001465

Dear Ms. Kitchings:

Please find enclosed for filing, along with certificate of service, the original and seven copies of the Appellant's Second Motion for Extension of Time. Please clock-in the extra copy and return it to me in the enclosed self-addressed stamped envelope.

If you should have any questions, please do not hesitate to contact me.

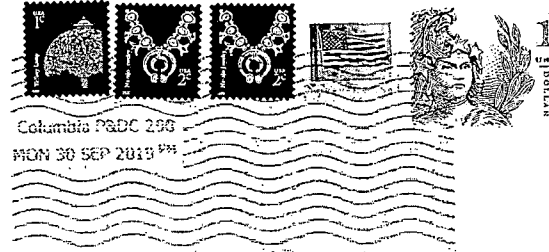
Sincerely,



Jill B. Abernethy
Paralegal

Enclosure

cc: Melody Brown, Esq.
Sherrie Butterbaugh, Esq.



JUSTICE (360) ADVANCING EQUALITY IN THE
CRIMINAL JUSTICE SYSTEM

900 ELMWOOD AVENUE
SUITE 300
COLUMBIA, SC 29204

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SC Court of Appeals

The Honorable Jenny Abbot Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211