

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

Appeal from Berkeley County  
The Honorable Kristie L. Harrington, Circuit Court Judge  
Appellate Case No. 2018-000980

OCT 31 2019  
SC Court of Appeals

THE STATE,

Respondent,

vs.

EDWARD ISAAH NELSON,

Appellant.

**MOTION TO DISMISS**

Respondent, State of South Carolina, by and through the undersigned attorneys, would respectfully move to dismiss the above-captioned appeal due to death of the Appellant. In support of the motion, Respondent would respectfully show the Court:

1. Following a jury trial, Appellant, Edward Isaiah Nelson, was convicted of murdering Shonda Davis. The Honorable Kristie L. Harrington sentenced him to life imprisonment without the possibility of parole. Appellant timely served and filed a notice of appeal, and Appellate Defender Susan B. Hackett represents him before this Court. Appellant has filed the Record on Appeal and the parties have already filed their Final Briefs

2. On October 21, 2019, Ms. Hackett notified the undersigned that Appellant had died the previous weekend. On October 21, 2019, Ms. Hackett provided the undersigned with a copy of the attached death certificate from the South Carolina Department of Health and Environmental

Control. The death certificate indicates that Appellant died of asphyxiation, as the result of hanging, on October 18, 2019, and that he was pronounced dead on the same day.

3. Respondent submits that continuing litigation to seek a reversal of a conviction or sentence is unnecessary because the action is moot. *See State v. Anderson*, 281 S.C. 198, 314 S.E.2d 597 (1984) (“We hold that the death of a criminal appellant, prior to the disposition of his appeal, abates that appeal and constitutes grounds for its dismissal”).

THEREFORE, Respondent moves to dismiss the appeal based on the death of the Appellant.

Respectfully submitted,

ALAN WILSON  
Attorney General

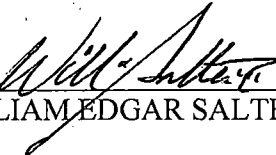
DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
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WILLIAM EDGAR SALTER, III  
Senior Assistant Attorney General  
Bar No. 4806

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SCARLETT ANNE WILSON  
Solicitor, Ninth Judicial Circuit  
101 Meeting Street, Suite 400  
Charleston, South Carolina 29401  
(843) 958-1900

BY:   
WILLIAM EDGAR SALTER, III

October 31, 2019.

ATTORNEYS FOR RESPONDENT

NAME OF DECEDENT For use by physician or institution

Items 1-23c To Be Completed/Verified By: FUNERAL DIRECTOR

Items 24-49 To Be Completed By: MEDICAL CERTIFIER

Form containing 53 numbered sections for death certificate data, including decedent information, cause of death, and certifier details.

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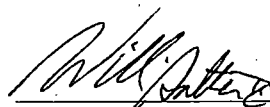
**PROOF OF SERVICE**

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I, William Edgar Salter, III, certify that I have served Respondent's *Motion to Dismiss*, by depositing one copy of same in the United States mail, postage prepaid, to each counsel, addressed as follows:

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

This 31<sup>st</sup> day of October, 2019.



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

ATTORNEY FOR RESPONDENT



ALAN WILSON  
ATTORNEY GENERAL

October 31, 2019

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OCT 31 2019

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 to Dismiss Appeal 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