

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

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NOV 08 2019
S.C. SUPREME COURT

ANTHONY WOODS, #06023,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

Appellate Case No. 2019-001713

MOTION TO HOLD TIME LIMITS IN ABEYANCE

Respondent is in recent of Appellant's November 4, 2019 letter requesting an extension of time to file a Petition for Writ of Certiorari and Appendix in the above matter. Respondent moves to hold all time limits for substantive matters held in abeyance pursuant to SCACR 243(c). Respondent would respectfully show unto this Court that:

1. On November 19, 2018, the Honorable Benjamin H. Culbertson, the PCR Court below, granted Respondent's Motion to Dismiss on the basis of statute of limitations and that the Application in 2018-CP-14-00382 was impermissibly successive to Woods' 2009 PCR action.
2. Woods filed a Motion to Alter or Amend Judgement pursuant to Rule 59, SCRCP. However, Judge Culbertson filed an Order denying Woods' motion, so as to grant relief.

3. On October 10, 2019, Petitioner served and filed a Notice of Appeal to this Court seeking to challenge the summary dismissal of the PCR Court. Pursuant to South Carolina Rule of Appellate Procedure 243(c),

If the lower court has determined that the post-conviction relief action is barred as successive or being untimely under the statute of limitations, the petitioner must, at the time the notice of appeal is filed, provide an explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. If the petitioner fails to make a sufficient showing, the notice may be dismissed.

4. As part of their Notice of Appeal and pursuant to Rule 243(c), Woods included argument regarding the statute of limitations determination of the PCR Court. However, there has not yet been a determination as to whether an arguable basis exists to challenge the lower court's ruling as improper. Respondent today received this Court's Order granting the motion for an extension of time until December 8, 2019

5. Because this Court has not yet made a determination under Rule 243(c) that the PCR Court's dismissal of the matter on the basis of statute of limitations and successiveness was in error, the motion for extension of time was premature. This Court may still dismiss the Notice of Appeal pursuant to Rule 243(c).

WHEREFORE, the State asks this Court to hold all time limits in abeyance until this Court has ruled upon Petitioner Woods' SCACR 243(c) explanation.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
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Senior Assistant Attorney General
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November 8, 2019.

By: 
ATTORNEYS FOR RESPONDENT

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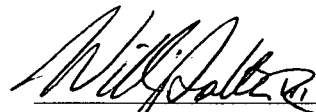
Appellate Case No. 2019-001713

PROOF OF SERVICE

I, William Edgar Salter, III, counsel for the Respondent, certify that I have served two (2) copies of the motion to hold time limits in abeyance via U.S. mail to Petitioner's attorneys of record, Emily C. Paavola, Esq. and Lindsey S. Vann, Esq., Justice 360, 900 Elmwood Avenue, Suite #200, Columbia, South Carolina 29201

I further certify that all parties required by Rule to be served have been served.

This 8th day of November, 2019.



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