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Jul 25 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CERTIORARI TO BERKELEY COUNTY
Court of Common Pleas
The Honorable Michael G. Nettles, PCR Judge

Appellate Case No. 2018-002216

SHANA ROBINSON,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR FOURTH EXTENSION
TO FILE THE BRIEF OF RESPONDENT**

Respondent, the State, moves this Court for an additional ten-day extension of time in which to file the brief of respondent, up to and including August 4, 2022. This is the State's fourth request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show this Court:¹

1. The brief of respondent is due to be filed with this Court today, July 25, 2022. This Court has granted the State three previous extensions.

¹ In compliance with: *In Re: Extensions in Criminal and Post-Conviction Relief Cases*, (S.C. Sup. Ct. Order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

2. This extension request is not intended for purposes of delay, but rather is due to Counsel's heavy workload and to ensure the brief is properly researched and prepared. In the past thirty days, undersigned counsel has:
 - a. Represented the State in the post-conviction relief term in the 14th Circuit held July 18-22, 2022, before the Honorable Kristi F. Curtis;
 - b. Represented the State in the post-conviction relief term in the 9th Circuit held June 20-24, 2022, before the Honorable Kristi F. Curtis;
 - c. Drafted and submitted a proposed order denying Applicant's Motion to Alter or Amend in *Kadrin Singleton v. State*, 2018-CP-10-01658 on June 30, 2022;
 - d. Drafted and submitted a proposed order of dismissal to the circuit court in *Timothy Wright v. State*, 2018-CP-10-4365, on June 30, 2022;
 - e. Drafted and submitted a proposed order of dismissal to the Circuit Court in *Herbert Smalls v. State*, 2013-CP-10-5276, on July 1, 2022;
 - f. Drafted and submitted a proposed order of dismissal to the circuit court in *Robert Isom v. State*, 2019-CP-10-04357, on July 15, 2022;

- g. Filed a return to the applicant's petition for writ of mandamus to the South Carolina Supreme Court in *Eric Canty v. State*, 2021-001377 on June 27, 2022;
 - h. Drafted and submitted a return and motion to dismiss, and conditional order of dismissal Applicant's petition for Habeas Corpus in *Eric Canty v. State* 2019-CP-08-02422, on June 27, 2022
 - i. Drafted and submitted a proposed order of dismissal in *Gary Grant v. State* n on July 8, 2022;
 - j. Filed a return to the petition for original jurisdiction in *Gary Grant v. State*, 2022-000765, on July 11, 2022; and
3. Counsel is simultaneously preparing for the upcoming post-conviction relief term in the 9th Circuit, to be held August 8–12, 2022, before the Honorable Roger M. Young, Sr.
 4. Counsel for Petitioner has graciously consented to this extension request by way of interagency agreement between Appellate Defense and the State.

THEREFORE, undersigned counsel for the State respectfully requests a fourth and final ten-day extension until August 4, 2022, in which to complete and file its brief based upon the above exigent circumstances.

Respectfully submitted,

/s/ Lauren T. Mims

LAUREN T. MIMS
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July 25, 2022

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

On Certiorari to Berkeley County
Court of Common Pleas
The Honorable Michael G. Nettles, Post-Conviction Relief Judge

Appellate Case No. 2018-002216

SHANA D. ROBINSON,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

PROOF OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion for Extension to File Brief of Respondent and Motion to File Out of Time has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Robert M. Dudek, Esquire
rdudek@sccid.sc.gov

This 25th day of July, 2022.

s/ Lauren T. Mims

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ALAN WILSON
ATTORNEY GENERAL

July 25, 2022

The Honorable Jenny Abbott Kitchings
Clerk of Court of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211
(*via e-filing only – ctappfilings@sccourts.org*)

Re: Shana D. Robinson v. State of South Carolina
Appellate Case No: 2018-002216

Dear Ms. Kitchings:

Respondent's Brief of Respondent in the above-referenced post-conviction relief appeal was due to be served and filed on July 25, 2022. Enclosed please find Respondent's Motion for Extension to File Brief of Respondent.

Please let me know if I can provide the Court with any additional information regarding the enclosed motion.

Sincerely,

s/ Lauren T. Mims

Lauren T. Mims
Assistant Attorney General
SC Bar No. 104996

cc: Robert M. Dudek, Counsel for Petitioner (*via email only*)