

**RECEIVED**  
**Jul 26 2022**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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Appellate Case No. 2018–002216

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SHANA ROBINSON,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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

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Respondent, the State, amends its previous motion and 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 and to file out of time. 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:<sup>1</sup>

1. The brief of respondent was due to be filed with this Court, July 25, 2022.

This Court has granted the State three previous extensions.

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<sup>1</sup> 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 14<sup>th</sup> Circuit held July 18-22, 2022, before the Honorable Kristi F. Curtis;
  - b. Represented the State in the post-conviction relief term in the 9<sup>th</sup> 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 9<sup>th</sup> Circuit, to be held August 8–12, 2022, before the Honorable Roger M. Young, Sr.
  4. Undersigned Counsel inadvertently did not attach the signatures of the Senior Assistant Deputy Attorney General and Deputy Attorney General, making her pervious motion out of compliance with the *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).
  5. Pursuant to Rule 263, SCACR, Respondent respectfully requests that the rules be relaxed in order to file a fourth and final ten-day extension in which to prepare and submit the Brief of Respondent. *See* Rule 263(b), SCACR (“The time prescribed by these Rules for performing any act except the time

for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”).

6. Undersigned counsel submits this extension request is supported by the above-referenced extraordinary circumstances and is not intended for purposes of delay.
7. 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  
S.C. Bar No. 104996  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3737  
ATTORNEY FOR RESPONDENT

**We concur that extraordinary  
circumstances have been shown**

*/s/ Megan Harrigan Jameson*

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

*/s/ Donald J. Zelenka*

DONALD J. ZELENKA  
Deputy Attorney General

July 26, 2022

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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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Appellate Case No. 2018-002216

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SHANA D. ROBINSON,

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**PROOF OF SERVICE**

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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 26<sup>th</sup> day of July, 2022.

*s/ Lauren T. Mims*

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SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

July 26, 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](mailto: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 Amended Motion for Extension to File Brief of Respondent and Motion to File Out of Time.

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)