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Sep 07 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Lexington County
The Honorable Walton J. McLeod, IV, Circuit Court Judge

WORTH EDWARD COOK, III,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

Appellate Case No. 2021-001267

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Return to Petition for Writ of Certiorari in the above-referenced case. Counsel for Appellant has graciously consented to all extensions through September 30, 2022. In support of this motion, counsel would respectfully show the Court the following:

1. The Return to Petition for Writ of Certiorari is due today, September 7, 2022 per this Court's Order dated August 10, 2022 granting Respondent's second extension request. The undersigned attorney for the Respondent has had several capital cases that required attention along with a number federal matters to attend since August 10, 2022. Specifically, counsel working with her co-counsel, completed drafting and submitted a proposed order denying relief in a capital PCR action (*James Robertson*); counsel prepared and consulted on a motion

regarding permission for potential *ex parte* treatment of funding requests in federal habeas litigation (*William Dickerson*); counsel drafted and filed a time-sensitive motion to stay the mandate in the Fourth Circuit Court of Appeals (*Quincy Allen*); counsel drafted and filed a status report in a capital matter that was stayed by the federal court (*Bayan Aleksey*) and consulted on a status report filed in a separate action also stayed by the federal court (*Bobby Wayne Stone*). Further, counsel prepared for a virtual status conferenced on in a capital PCR matter; and is currently preparing, in that same matter, for an in-court status conference on September 8, 2022 in Greenwood County before Judge Daniel D. Hall (*Ricky Lee Blackwell*). Additionally, counsel has also completed and filed a response brief in the Fourth Circuit Court of Appeals in a non-capital habeas matter (*Weldon Stewart*); and consulted on a reply to a response in opposition to the Warden's motion for summary judgment in another non-capital federal habeas action (*Manuel Marin*).

2. Further still, counsel has also spent considerable time reviewing documents in this case. However, counsel has been unable to timely complete the Return, in large part due to other pressing casework as listed above.

3. This extension request is made from necessity and not for the purpose of simple delay. Counsel is cognizant of the fact that this is a third extension request and will work diligently to complete the return within the time requested.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Return to Petition for Writ of Certiorari.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

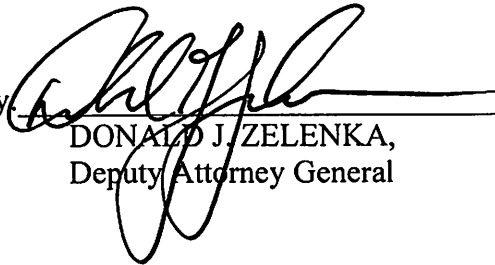
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: S/Melody J. Brown
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

September 7, 2022

I support the finding of good cause.

By:



DONALD J. ZELENKA,
Deputy Attorney General

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CERTIFICATE OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension of Time to File Return to Petition for Writ of Certiorari, and Certificate of Service has been forwarded to Petitioner's counsel, Jessica M. Saxon, Esquire, via email today, September 7, 2022 to jsaxon@sccid.sc.gov, and to her assistant @ Kwarren@sccid.sc.gov .

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

This 7th day of September, 2022.

s/ Angela Brown
Angela Brown,
Legal Assistant to Melody J. Brown
Senior Assistant Deputy Attorney General