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Oct 24 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ON WRIT OF CERTIORARI TO RICHLAND COUNTY
Court of Common Pleas
The Honorable Brian M. Gibbons, PCR Judge

Appellate Case No. 2022-000026

BRANDON BERRY, #352671,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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

COMES NOW, Respondent, by and through the undersigned counsel, making its motion for an additional thirty (30) day extension of time to file Return to Petition for Writ of Certiorari, up to and including October 24, 2022. This is Respondent's third request for an extension of time in which to file the return. In support of this request, undersigned counsel would respectfully show unto this Court¹:

1. The Return to Petition for Writ of Certiorari is due to be filed with the Court today.

The Court has granted counsel two previous extensions.

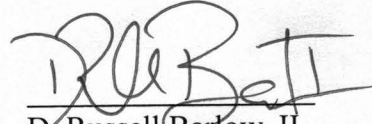
¹ In compliance with: In Re: Extensions in Criminal and Post-Conviction Relief Cases, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

2. This is the third request for an extension of time in which to file a response.
3. Counsel appeared on behalf of the State at a PCR term in Lancaster County the week of August 29 – September 2, 2022, and is currently drafting orders for the cases heard during this term.
4. Counsel appeared on behalf of the State at a PCR term in Richland County the week of September 26 – 30, 2022, and is currently drafting orders for the cases heard during this term.
5. Counsel appeared on behalf of the State at a PCR term in Florence County the week of October 17 – 21, 2022, and is currently drafting orders for the cases heard during this term.
6. Counsel filed a Return to Petition for Writ of Certiorari in Lucruz McCloud v. State (2021-001307) on September 26, 2022.
7. Counsel is preparing to appear on behalf of the State at PCR hearings in Richland County on November 14 – 18, 2022, which is requiring significant preparation.

This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The undersigned is currently working on the Return and hopes to have it completed shortly. The undersigned therefore requests an extension of time within which to serve and file the Return. THEREFORE, undersigned counsel for Respondent respectfully requests a **third thirty-day extension** until **Wednesday, November 23, 2022**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances. Counsel for Petitioner has consented to this extension request as indicated in the attached email.

Respectfully submitted,

BY:



D. Russell Barlow, II
S.C. Bar No. 105228
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737

**I concur that extraordinary circumstances
have been shown.**



William M. Blich
Senior Assistant Deputy Attorney General
S.C. Bar No. 15608

October 24, 2022

ATTORNEYS FOR RESPONDENT