

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Certiorari to York Count
R. Keith Kelly, Circuit Court Judge

Case No. 2011-CP-46-0072
Appellate Case No. 2023-000505

RECEIVED

Aug 25 2023

S.C. SUPREME COURT

James Dejarnette Robertson,

Petitioner,

-vs-

State of South Carolina,

Respondent.

**SECOND REQUEST FOR EXTENSION OF TIME TO FILE
RULE 242(d), SCACR DOCUMENTS**

Counsel for Mr. Robertson requests a thirty-day extension of time to file the documents specified in Rule 242(d). That request was granted, and the order set the current due date as August 28, 2023.

This appeal is the seventh separate proceeding in over 25 years. There has been one jury trial, four appeals, and three post-conviction proceedings. There have been six different groups of attorneys. The Order of Remand - Robertson v. State, 418 S.C. 505; 795 S.E.2d 29 (2016) – required the Petitioner to establish deficient performance and prejudice of trial counsel using the Strickland standard. That was done and this appeal follows. Counsel is required to parse the entire record, mindful

that Rule 243(e)(3) SCACR limits the Petition to twenty-five pages (25). It is likely the largest record both counsel have ever seen.

In addition, this case involves extremely complicated factual and legal matters with multiple expert witnesses, thousands of exhibits, allegations of ineffective assistance of trial, appellate, and initial PCR counsel over twenty-five (25) years of continuous litigation. It is likely the Petition for Certiorari will be close to 100 pages long. Counsel Ehliès has four cases in trial mode for September 2023, and is currently in the heavy pleading phase in the capital case of Andres Antonio Torres vs. South Carolina, 6:23-mc-0571. The Reply to the State's Response is due August 31, 2023, three days after the current filing date in this case.

Furthermore, counsel is a private practitioner with a competing case docket of jury trials and sentencing proceedings. Counsel Enderlin will be on vacation from September 13 to September 25, and will not be available by internet, cell, or regular telephonic communication, further making it necessary to extend the due date. This request is made in good faith, and not for the purpose of delay. This case fell in line with other cases now pending under counsel's responsibility. The Assistant Attorney General assigned to this case has been consulted and has no objection.

WHEREFORE, counsel requests that this second motion for an extension of time be granted and that the filings will be due September 27, 2023.

(signature page 2)

August 25, 2023.

s/ William Harry Ehlies, II

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ATTORNEYS FOR THE
PETITIONER

Senior Assistant Deputy General has
No Objection.