

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

Sep 25 2023
S.C. SUPREME COURT

James Dejarnette Robertson,

Petitioner,

-vs-

State of South Carolina,

Respondent.

THIRD 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). The second extension was granted and set September 27, 2023, as the due date for filing the Rule 242(d) documents.

As previously noted, 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).

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. The working Petition for a Writ of Certiorari is 51 pages and growing. Counsel must complete the Appendix to paginate the Petition which is necessary to complete the Petition. The current Appendix is 5,892 pages. Counsel Ehlied 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.

Furthermore, counsel is a solo 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. Finally, until September 5, 2023, counsel had access to a very helpful paralegal employed by the SCCID and in charge of assembling the Appendices and Petition. Under her skilled and expert assistance very successful advances were made towards timely completing this project. However, she left on medical leave and the SCCID, after surveying the work she had done refused further assistance and took the position that the print group would only deal with coping and filing a "print ready" Appendices and Petition. That has put us on the hunt for a qualified expert paralegal

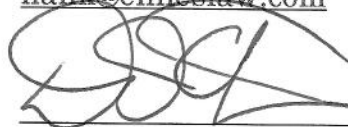
to assemble, paginate and build the "print ready" documents, copy and file them. Currently counsel is making progress at finding such a person as noted in the motion previously filed concerning this change in circumstances as announced by the SCCID.

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 third motion for an extension of time be granted and that the filings will be due October 27, 2023.


s/ William Harry Ehlied, II

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September 25, 2023.

Senior Assistant Deputy Attorney General has
No Objection.