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**Mar 01 2024**

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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On Petition for Writ of Certiorari to Spartanburg County  
Honorable Brian M. Gibbons, Circuit Court Judge  
Appellate Case No. 2023-000384

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DERRICK BURNSIDE,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

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**MOTION TO HOLD IN ABEYANCE**

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Respondent, State of South Carolina, hereby moves to hold the above-captioned matter in abeyance based on the following:

1. The Return to Petition for Writ of Certiorari in this post-conviction relief appeal is due to be served and filed March 4, 2024, pursuant to a third extension. Respondent requests this matter be held in abeyance, not for the purpose of delay but to ensure the Return is properly researched and prepared.

2. Counsel, who only recently became involved in this case after the departure of an attorney in the Post-Conviction Relief Section, has diligently worked on the Return to Petition for Writ of Certiorari, but counsel has discovered the Attorney General's Office is not in possession of one or more mental health reports that appear to have been before the PCR Court. Counsel has contacted the Seventh Circuit Solicitor's Office to obtain copies of these reports but will not be able to obtain them until sometime next week at the earliest. Counsel believes these

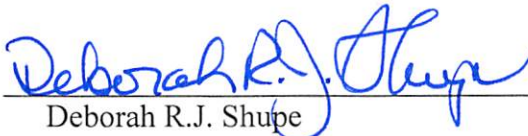
reports are directly related to at least one issue raised by Petitioner. Counsel will continue to work on the return but will be unable to complete it prior to the due date without first reviewing the relevant reports.

Based on the foregoing, counsel for Respondent respectfully requests that this Court hold this matter in abeyance pending the State's receipt of these mental health reports. Counsel will advise the Court when copies are received.

Respectfully submitted,

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March 1, 2024