

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Mar 29 2024

S.C. SUPREME COURT

—————
Certiorari to Horry County
Honorable H. Steven DeBerry IV, Circuit Court Judge
Appellate Case No. 2023-000522
—————

HENRY DUKES,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

—————
**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE RETURN TO PETITION
FOR WRIT OF CERTIORARI AND THE RETURN TO PETITION FOR WRIT OF
CERTIORARI PURSUANT TO AUSTIN V. STATE**
—————

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Return to Petition for Writ of Certiorari and the Return to Petition for Writ of Certiorari Pursuant to Austin v. State in this post-conviction relief appeal are due to be served and filed March 29, 2024 pursuant to a third extension.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **fourth** extension in the above-referenced post-conviction relief

appeal and asks for an additional extension until Monday, April 29, 2024, to complete the returns to both petitions in this case. In addition to managing a very heavy workload, including supervisory and administrative responsibilities both in and outside of the office.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. Counsel was unexpectedly out of the office due to illness from March 7 to March 18th. In addition, counsel was required to be out of the office attending meetings and hearings in the South Carolina Senate.

IV.

Counsel is currently diligently working on the Returns in this case in order to have them finished as soon as possible; however, counsel has not been able to finish the Returns due to a heavy workload and other challenges stemming from significant staffing issues within the South Carolina Attorney General's Office's post-adjudication section, and other unanticipated matters as set forth above. Counsel assures the Court completion of both Returns is a high priority, and she will work diligently to complete them. Accordingly, in order to ensure both Returns are properly researched and prepared, counsel requests an additional extension of time within which to serve and file these Returns.

V.


Please be advised that the State and Appellate Defense continue to consent to any requests for extensions or out-of-time filings. This limited consent applies to requests up to and including March 31, 2024.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari and the Return to Petition for Writ of Certiorari Pursuant to Austin v. State in this case for a period of thirty additional days; hold the matter in abeyance pending a ruling on this Motion; and grant such other and further relief as the Court may deem just and proper.

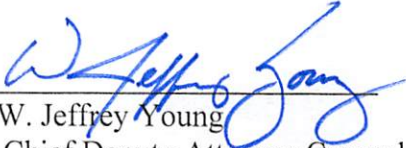
Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

By: 
Deborah R.J. Shupe
S.C. Bar Number 5098

I have reviewed and approved this extension request.

By: 
W. Jeffrey Young
Chief Deputy Attorney General

March 29, 2024