

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Apr 10 2024

S.C. SUPREME COURT

Appeal from Spartanburg County
Honorable Brian M. Gibbons, Circuit Court Judge
Appellate Case Tracking No. 2023-000384

DERRICK BURNSIDE,

Respondent,

vs.

STATE OF SOUTH CAROLINA,

Appellant.

**MOTION TO SERVE AND FILE A REQUEST FOR A FOURTH EXTENSION OF
TIME WITHIN WHICH TO SERVE AND FILE THE RETURN TO PETITION FOR
WRIT OF CERTIORARI OUT OF TIME**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

Due to confusion regarding the filed motion to supplement appendix, counsel failed to include language requesting a fourth extension of time within which to serve the Return to Petition for Writ of Certiorari following the conclusion of the motion to supplement appendix. The fourth extension request was due to be filed on April 3, 2024. As a result, the undersigned does not believe Appellant has suffered any prejudice.

II.

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. Last week, Counsel was out of office due to her husband being admitted into the hospital. Currently, Counsel is out of office due to an illness relapse.

III.

Counsel is currently diligently working on the Return in this case in order to have it finished as soon as possible; however, counsel has not been able to finish the Return 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 the Return is a high priority, and she will work diligently to complete it. Accordingly, in order to ensure the Return is properly researched and prepared, counsel requests an additional extension of time within which to serve and file the Return.

IV.

Petitioner's Counsel consented to this motion to serve and file a request for a fourth extension of time within which to serve and file the Return to Petition for Writ of Certiorari out of time through email on the afternoon of April 9, 2024.

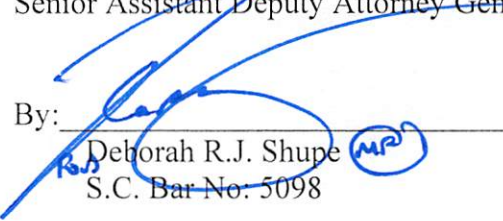
This request is not intended for purposes of delay, but rather to allow the undersigned to ensure that the Return to Petition for Writ of Certiorari is properly prepared, served, and filed.

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 motion for a fourth extension request within which to serve and file out of time; and for 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: 
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I have reviewed and approved this extension request.

By: 
Donald J. Zelenka
Deputy Attorney General

April 10, 2024