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Sep 20 2024

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Daniel Coble, PCR Judge
The Honorable DeAndrea G. Benjamin., Circuit Judge

Appellate Case No. 2023-001526

Andre T. Heatley, Jr., SCDC #378998,

Petitioner,

v.

State Of South Carolina,

Respondent.

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

Counsel for Respondent respectfully moves for a **fourth** and **final** extension of thirty (30) days in which to serve and file the Return to Petition for Writ of Certiorari in this case. In support of this request, counsel shows:¹:

1. The Return to Petition for a Writ of Certiorari is due to be served and filed with the Court today, September 20, 2024.

¹ In compliance with: In Re: Extensions in Criminal and Post-Conviction Relief Cases, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

2. Counsel for Respondent respectfully submits that extraordinary circumstances exist that warrant the granting of an additional time extension. Given the number of extensions previously granted and the order in which counsel attempts to manage his heavy caseload, Counsel hopes that no further extension requests will be required.
3. Counsel assisted in a term of court on August 28, 2024, in the Eleventh Judicial Circuit, in which Counsel is preparing orders.
4. Counsel had a term of court on September 16 – 19, 2024, in the Tenth Judicial Circuit.
5. Counsel has a term of court on September 23 – 27, 2024, in the Fifth Judicial Circuit, in which Counsel is preparing for.
6. In the last month, Counsel has had multiple PCR filings due with the lower courts in the Fourth, Fifth, Sixth, Seventh, Tenth, and Twelfth Judicial Circuits.
7. This extension request is made in good faith and not intended for delay, but rather due to counsel's heavy workload and to ensure the return is properly researched and prepared.
8. Opposing counsel has graciously consented to this request via interagency agreement.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension in which to serve and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

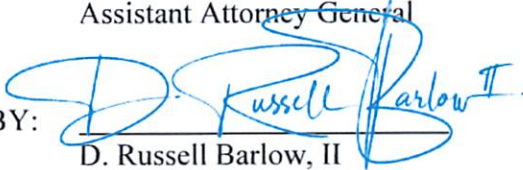
[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

ALAN WILSON
Attorney General

D. RUSSELL BARLOW, II
Assistant Attorney General

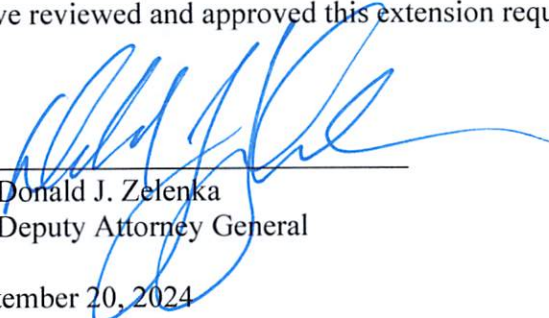
BY:


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ATTORNEYS FOR RESPONDENT

I have reviewed and approved this extension request.

By:


Donald J. Zelenka
Deputy Attorney General

September 20, 2024