

STATE OF SOUTH CAROLINA

**RECEIVED**

IN THE SUPREME COURT

FEB 08 2014

Appeal From Georgetown County  
Honorable Steven H. John, Circuit Court Judge

**S.C. Supreme Court**

HEYWARD DAVIS JR.,

PETITIONER,

vs.

THE STATE,

RESPONDENT.

2012 - 213604

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

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

I.

The Return to the Petition for Writ of Certiorari is due to be filed and served, today, pursuant to two previous extensions granted by the Court.

II.

Due to an unusually heavy workload I am unable to complete this return on time. Since the last extension granted by this court, I have prepared proposed orders from a term of post-conviction relief hearing in the Fifteenth Circuit, including orders in the cases of Barbara Wright v. State, Tommy Toomer v. State, Shannon McGee v. State, and George Johnson v. State. I have also represented the State in a term of PCR hearing in

the Fourth Circuit and am currently preparing to represent the State in a term of PCR hearing in the Twelfth circuit.

**III.**

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order dated March 18, 2009, the Respondent moves for a third extension in the above referenced matter. This request is made in good faith, and not for the purposes of delay. The undersigned will give this matter the highest priority and anticipates his schedule will allow for completion of the return within the time allotted by a third extension. Opposing counsel consents to this extension, as evidenced by her signature below.

**IV.**

WHEREFORE, for the above reasons, the Respondent respectfully requests that this Court grant a third extension of time in which to file the Return to the Petition for Writ of Certiorari.

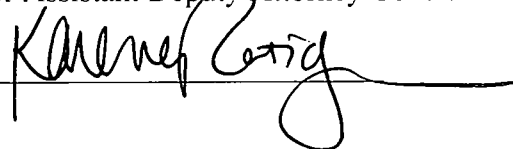
Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

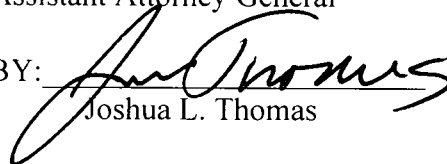
KAREN C. RATIGAN  
Senior Assistant Deputy Attorney General

BY:



JOSHUA L. THOMAS  
Assistant Attorney General

BY:



Joshua L. Thomas

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

February 3, 2014

\*   
Carmen Ganjehsani

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Appeal From Georgetown County  
Honorable Steven H. John, Circuit Court Judge

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HEYWARD DAVIS,

Petitioner,

vs.

THE STATE,

Respondent.

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**PROOF OF SERVICE**

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I, Norma Bigbee certify that I have served the Petition for Extension of Time to Serve and File the Return to the Petition for Writ of Certiorari on appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, Carmen Ganjehsani, Esquire, SC Commission on Indigent Defense, Division of Appellate Defense, P.O. Box 11589, Columbia, SC 29211.

I further certify that all parties required by Rule to be served have been served.

This 3<sup>rd</sup> day of February, 2014.

  
Norma Bigbee  
Legal Assistant

Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

February 3, 2014

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**S.C. Supreme Court**

**VIA HAND DELIVERY**

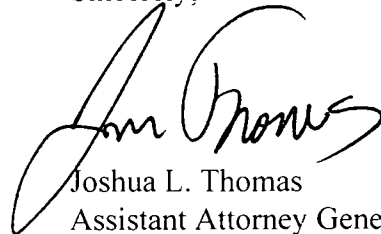
The Honorable Daniel E. Shearouse  
Clerk of Court, South Carolina Supreme Court  
Post Office Box 11330  
Columbia SC 29211

RE: **Heyward Davis v. State of South Carolina**  
**Appellate Case No: 2012-213604**

Dear Mr. Shearouse:

Enclosed please find the Original and six (6) copies of the Petition for Extension of Time in which to Serve and File the Return to the Petition for Writ of Certiorari in the above case.

Sincerely,



Joshua L. Thomas  
Assistant Attorney General  
Bar No: 100777

JLT/nb

Enclosures

cc: Carmen Ganjehsani, Esquire (2 copies)  
Ms. Trisha Allen