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S.C. Supreme Court

**STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Appeal from Greenville County
G. Edward Welmaker, Circuit Court Judge

CHARLES CHRISTOPHER WILLIAMS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

Appellate Case No. 2013-001945

**MOTION TO ENLARGE TIME FOR
FILING RETURN TO PETITION
FOR WRIT OF CERTIORARI**

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The Respondent, above-named, by and through the undersigned attorneys, would respectfully move this Court for a final thirty (30) day extension of time within which to file its Return from November 21, 2014 up to and including January 20, 2015. Opposing counsel Derek Enderlin has advised counsel that he has no objection to this request. This request is based primarily due to the fact that below-signed counsel has contracted influenza on December 18, 2014 and counsel for Respondent has not been able to complete the Return within the allotted time for the following reasons:

I.

Counsel for Respondent has also been working on a drafts of the prioritized Return to Petition for Writ of Certiorari in Charles Williams v. State, currently due on December 22, 2014. Counsel for the undersigned has had a number of other commitments in State and Federal court

that have precluded timely completion of the Return. Counsel for Respondent has also been working on a drafts of the prioritized Return to Petition for Writ of Certiorari in Charles Williams v. State, currently due on December 22, 2014.

1. Since the last request, below signed counsel prepared and filed a petition for rehearing in State v. Daniel D. Jackson in the Court of Appeals on November 20, 2014; scheduled for a conference call meeting on November 21, 2014.
2. Below-signed counsel has on December 3, 2014 filed in three death penalty PCR appeals Response to Amicus Brief before the South Carolina Supreme Court in John Hughey v. State, Jonathan Binney v. State and Kamel Evans v. State, on December 3, 2014 filed a motion to vacate stay in Ismael Cruz v. Warden; on December 8, 2014, filed a Response in opposition to stay in John R. Wood v. State death penalty post-conviction relief action; on December 8, 2014 filed a Return to a Petition for Writ of Certiorari in State v. Victor White in the South Carolina Supreme Court; on December 8, 2014 filed a court ordered Supplemental Return and Motion to Dismiss James Bowers v. Warden to Judge Gergel; on December 9, 2014 attended as co-counsel oral argument in Kamel Evans v. State in the South Carolina Supreme Court.
3. Respondent has been working primarily on the death penalty post-conviction relief certiorari return before the South Carolina Supreme Court in Charles C. Williams v. State, which was prioritized by the Supreme Court for filing on December 22, 2014. Respondent filed on

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December 17, 2014, the return in Norma Hall v. State and an Amended and Corrected Return on December 22, 2014 pursuant to an Order of December 18, 2014.

4. On December 18, 2014, counsel had a motion hearing before the Honorable Mark Hayes in John R. Wood v. State.
5. In the interim Respondent's counsel has also received a petition for writ of certiorari in the Bayan Aleksey v. South Carolina in the United States Supreme Court from the denial of a PCR appeal in which a brief in opposition will be due December 31, 2014.
6. In the next month, in addition to the above, counsel has on December 30, 2014 a federal habeas return in Michael Johnson v. Warden; on January 3, 2015; the Quincy Allen v. State death penalty post-conviction hearing tentatively set for January 5-6, 2015 before Judge Ferrell Cothran; a federal habeas corpus response due on January 9, 2015 in Stephen Beckham v. Warden; a federal habeas corpus Return in Joshua Monroe v. Warden (extended twice); projected on January 14, 2014 a federal habeas corpus return in Tyrone Singletary v. Warden (extended twice); projected on January 14, 2015 a federal habeas corpus return on Fred Downer v. Warden (extended once); oral argument in the South Carolina Supreme Court on January 15, 2015 in John K. Hughey v. State; on January 16, 2015 a death penalty PCR Return to Certiorari in Sammie Stokes v. State; a death penalty PCR appeal return due on January 16, 2015; a return to the federal habeas corpus petition in William A. Owens v. Warden due

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on January 16, 2015; a return due in the federal habeas action in Michael A. Allen v. Warden on January 18, 2015; on December 30, 2014 a federal habeas corpus Return in Joshua Monroe on January 2, 2015;

II.

Counsel has established the following highest priorities to prevent further need of an extension in this matter :

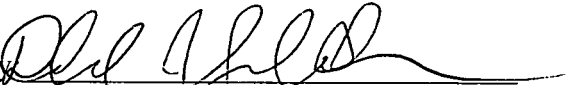
1. Death penalty PCR appeal Return to Certiorari in Charles Williams v. State projected due on January 21, 2015.
2. Bayan Aleksey v. State, brief in opposition due December 31, 2014 in the United States Supreme Court.
3. Quincy Allen v. State – death penalty post-conviction hearing tentatively set for January 5-6, 2015 before Judge Ferrell Cothran.
4. John K. Hughey v. State, oral argument – South Carolina Supreme Court – death penalty PCR appeal – January 15, 2015.
5. Sammie Stokes v. State - Death Penalty PCR Certiorari Return – due January 16, 2015.
6. Tyrone Singletary v. Warden - federal habeas corpus return - projected due on January 14, 2015.

Wherefore Respondents respectfully request an extension of a period of thirty days up to and including January 20, 2015 to complete this Return to the Petition for a Writ of Certiorari.

Respectfully submitted,

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

By 

Donald J. Zelenka
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
SC Bar # 5758
803-734-6305

December 22, 2014

I concur that extraordinary circumstances have been shown to this request.



John W. Memtosh
Chief Deputy Attorney General

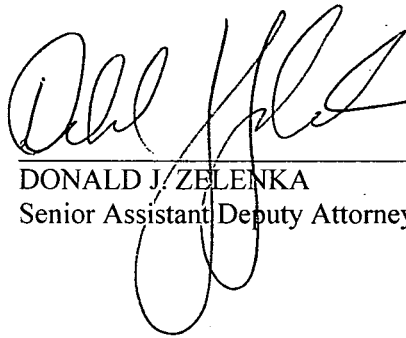
CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served the Motion to Enlarge Time for Filing Return to Petition for Writ of Certiorari in the foregoing action by depositing copy in the United States

Mail to:

Mr. Derek J. Enderlin
Ross and Enderlin, PA.
330 East Coffee Street
Greenville, South Carolina 29601

This 22nd day of December, 2014.



DONALD J. ZELENA
Senior Assistant Deputy Attorney General