

The Supreme Court of South Carolina

The State,

Respondent,

v.

Brian Garris,

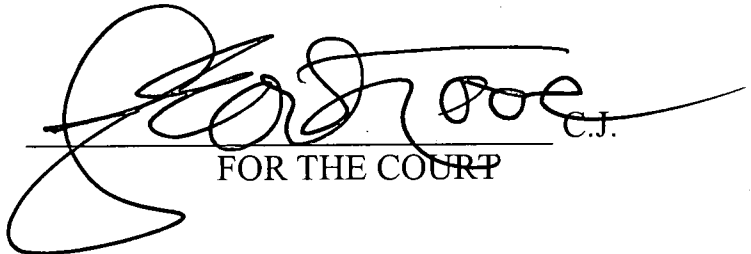
Petitioner.

The Honorable George C. James, Jr.
Clarendon County
Trial Court Case No. 2006-GS-14-00265

ORDER

Respondent seeks an extension to serve and file the Return to the Petition for Writ of Certiorari, and asserts that extraordinary circumstances justify this extension. The opposing party does not oppose the motion and consents to the extension. The request for an extension is granted until April 27, 2012. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.


C.J.
FOR THE COURT

Columbia, South Carolina

March 29, 2012

cc: Appellate Defender Lanelle Cantey Durant
Assistant Attorney General Mark R. Farthing
Ernest Adolphus Finney, III, Esquire

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

RECEIVED

MAR 28 2012

THE STATE,

Respondent **S.C. Supreme Court**

vs.

(5)

BRIAN GARRIS,

Petitioner.

**MOTION FOR FIFTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE RETURN TO PETITION FOR
WRIT OF CERTIORARI**

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

I.

The Return to Petition for Writ of Certiorari is due to be served and filed on March 28, 2012.

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 Respondent moves for a fifth extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this Return on time. In the past few weeks, the undersigned

has participated in oral argument at the Court of Appeals in State v. Adrian Eaglin and State v. Otis Lamar Bland, Jr., has submitted Initial Briefs to the Court of Appeals State v. Baylock, State v. Rice, State v. Gallishaw, State v. Maxwell, State v. Jackson, State v. McFarland, State v. Parker, State v. Poole, and State v. Aiken, has filed a Petition for Rehearing in the Court of Appeals in State v. Jamison, has filed a Petition for Rehearing in this Court in State v. Odems, has filed a Return to Petition for Rehearing in State v. Salley, has filed a Petition for Certiorari in this Court in State v. Hill, and has filed a Return to Petition for Certiorari in this Court in State v. Butler and State v. Johnson.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The Return in the above case has required significant research because the case involves four significant issues on appeal. The undersigned is currently working on the Return in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Return to Petition for Writ of Certiorari and the accompanying Appendix.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

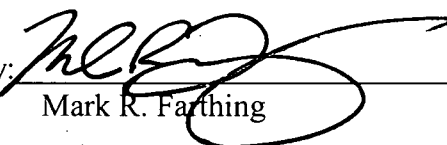
Respectfully submitted,

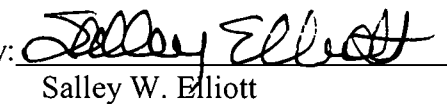
ALAN WILSON
Attorney General

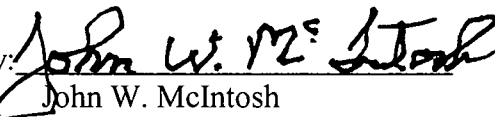
JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

MARK R. FARTHING
Assistant Attorney General

By: 
Mark R. Farthing

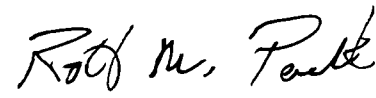
By: 
Salley W. Elliott

By: 
John W. McIntosh

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

March 28, 2012

I Consent or Do Not Oppose:

for By: 
LaNelle Cantey DuRant

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge **MAR 28 2012**

RECEIVED

S.C. Supreme Court

THE STATE,

Respondent,

vs.

BRIAN GARRIS,

Petitioner.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Motion for Fifth Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 28th day of March, 2012.

Ellen R. DuBois

ELLEN R. DuBOIS
Legal Assistant

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



ALAN WILSON
ATTORNEY GENERAL

March 28, 2012

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

RECEIVED

MAR 28 2012

S.C. Supreme Court

RE: State v. Brian Garris

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion for Fifth Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General

MRF/erd
Enclosures

cc: LaNelle Cantey DuRant, Esquire
Victim Services

The Supreme Court of South Carolina

The State,

Respondent,

v.

Brian Garris,

Petitioner.

The Honorable George C. James, Jr.
Clarendon County
Trial Court Case No. 2006-GS-14-00265

ORDER

Respondent seeks an extension to serve and file the Return to the Petition for Writ of Certiorari, and asserts that extraordinary circumstances justify this extension. The opposing party consents to the extension. The request for an extension is granted until March 28, 2012. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.


C.J.
FOR THE COURT

Columbia, South Carolina

March 5, 2012

cc: Appellate Defender Lanelle Cantey Durant
Assistant Attorney General Mark R. Farthing
Ernest Adolphus Finney, III, Esquire

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

RECEIVED
FEB 27 2012

THE STATE,

Respondent,
S.C. Supreme Court

vs.

BRIAN GARRIS,

Petitioner.

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

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

I.

The Return to Petition for Writ of Certiorari is due to be served and filed on February 27, 2012.

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 Respondent moves for a fourth extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this Return on time. In the past few weeks, the undersigned

has participated in oral argument at the Court of Appeals in State v. Sonny Stonewall Hawkins, State v. Gerald Fripp, State v. John Porter Johnson, State v. Andra Byron Jamison, State v. James Robert Nash, State v. Daniel J. Jenkins, and State v. Adrian Eaglin, has participated in oral argument at this Court in State v. Charles Q. Jackson and State v. Kevin Cornelius Odems, has submitted Initial Briefs to the Court of Appeals in State v. Jolly, State v. White, State v. Meggett, State v. Wesley, State v. Foster, State v. Price, State v. Berry, State v. Baylock, State v. Rice, State v. Gallishaw, State v. Maxwell, State v. Jackson, State v. McFarland, and State v. Poole, has filed a Petition for Rehearing in the Court of Appeals in State v. Morris and State v. Jamison, has filed a Petition for Rehearing in this Court in State v. Odems, has filed a Return to Petition for Writ of Certiorari in this Court in State v. Bennett, State v. Avery, State v. Sams, and State v. Romero, and has filed a Petition for Writ of Certiorari in State v. Hill.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The Return in the above case has required significant research because the case involves four significant issues on appeal. The undersigned is currently working on the Return in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Return to Petition for Writ of Certiorari and the accompanying Appendix.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

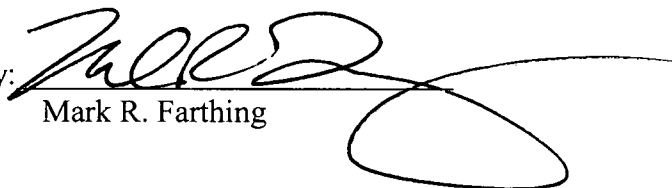
Respectfully submitted,

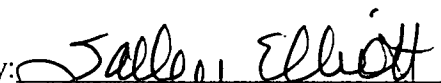
ALAN WILSON
Attorney General

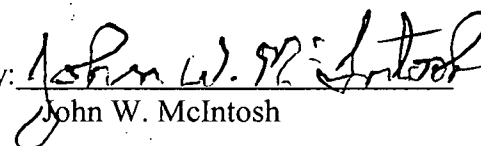
JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

MARK R. FARTHING
Assistant Attorney General

By: 
Mark R. Farthing

By: 
Salley W. Elliott

By: 
John W. McIntosh

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

February 27, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

THE STATE,

Respondent,

vs.

BRIAN GARRIS,

Petitioner.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 27th day of February, 2012.

Ellen R. DuBois

ELLEN R. DuBOIS
Legal Assistant

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



ALAN WILSON
ATTORNEY GENERAL

February 27, 2012

RECEIVED

FEB 27 2012

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

S.C. Supreme Court

RE: State v. Brian Garris

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion for Fourth Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General

MRF/erd
Enclosures

cc: LaNelle Cantey DuRant, Esquire
Victim Services



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

FEB 29 2012

S.C. Supreme Court

February 29, 2012

VIA HAND DELIVERY

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

RE: State v. Brian Garris

Dear Mr. Shearouse:

With signature below, opposing counsel consents to our request for a Fourth extension to file the Return to Petition for Writ of Certiorari in the above referenced case.

Sincerely,

Mark R. Farthing
Assistant Attorney General

MRF/erd

I consent:

LaNelle C. Durant, Esquire

The Supreme Court of South Carolina

The State,

Respondent,

v.

Brian Garris,

Petitioner.

The Honorable George C. James, Jr.
Clarendon County
Trial Court Case No. 2006-GS-14-00265

ORDER

For good cause shown, the request for a third extension to serve and file the Return to the Petition for Writ of Certiorari is granted and extended until February 27, 2012. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Lucinda J. Healy*
Chief Deputy Clerk

Columbia, South Carolina

January 30, 2012

cc: Appellate Defender Lanelle Cantey Durant
Assistant Attorney General Mark R. Farthing
Cecil Kelly Jackson, Esquire



Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

January 30, 2012

RECEIVED

JAN 30 2012

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

S.C. Supreme Court

Re: State v. Brian Garris

Dear Mr. Shearouse:

Please accept this letter as my consent to opposing counsel's request for an extension of time in which to file the return to petition for writ of certiorari to the Court of Appeals in the above-referenced case.

By copy of this letter, I am informing Mark Farthing, of the Attorney General's Office of my consent.

Sincerely,

LaNelle C. Durant
Appellate Defender

LCD/pds

cc: Mark R. Farthing, Esquire

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

RECEIVED
JAN 30 2012

THE STATE,

S.C. Supreme Court

Respondent,

vs.

BRIAN GARRIS,

Petitioner.

**CORRECTED MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE RETURN TO PETITION FOR
WRIT OF CERTIORARI**

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

I.

The Return to Petition for Writ of Certiorari is due to be served and filed on January 27, 2012.

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 Respondent moves for a third extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this Return on time. In the past few weeks, the undersigned

has participated in oral argument at the Court of Appeals in State v. Richard M. Kough, State v. Sonny Stonewall Hawkins, State v. Gerald Fripp, State v. John Porter Johnson, State v. Andra Byron Jamison, State v. James Robert Nash, and State v. Daniel J. Jenkins, has participated in oral argument at this Court in State v. Charles Q. Jackson and State v. Kevin Cornelius Odems, has submitted Initial Briefs to the Court of Appeals in State v. Simuel, State v. Rolen, State v. Simmons, State v. Green, State v. Jolly, State v. White, State v. Meggett, State v. Wesley, State v. Foster, State v. Price, State v. Berry, State v. Baylock, State v. Rice, State v. Maxwell, State v. Gallishaw, and State v. Jackson, has filed a Petition for Rehearing in the Court of Appeals in State v. Coaxum and State v. Morris, has filed a Petition for Rehearing in this Court in State v. Odems, and has filed a Return to Petition for Certiorari in this Court in State v. Williams, State v. Bennett, State v. Avery, State v. Sams, and State v. Romero.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The Return in the above case has required significant research because the case involves four significant issues on appeal. The undersigned is currently working on the Return in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Return to Petition for Writ of Certiorari and the accompanying Appendix.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

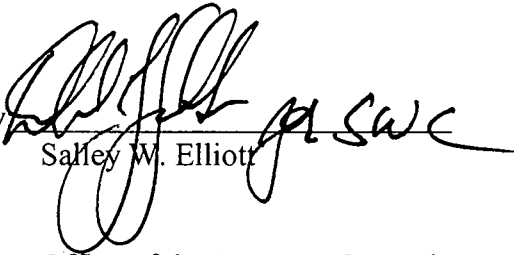
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

MARK R. FARTHING
Assistant Attorney General

By: 
Mark R. Farthing

By: 
Salley W. Elliott

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

January 30, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

THE STATE,

Respondent,

vs.

BRIAN GARRIS,

Petitioner.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Corrected Motion for Third Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 30th day of January, 2012.

Ellen R. DuBois

ELLEN R. DuBOIS
Legal Assistant

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



ALAN WILSON
ATTORNEY GENERAL

January 30, 2012

RECEIVED

JAN 30 2012

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

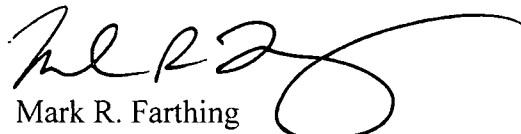
S.C. Supreme Court

RE: State v. Brian Garris

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Corrected Motion for Third Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari, along with proof of service, for filing in the above-referenced appeal.

Sincerely,


Mark R. Farthing
Assistant Attorney General

MRF/erd
Enclosures

cc: LaNelle Cantey DuRant, Esquire
Victim Services

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

RECEIVED

JAN 27 2012

THE STATE,

S.C. Supreme Court

Petitioner,

vs.

BRIAN GARRIS,

Respondent.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE PETITION FOR
WRIT OF CERTIORARI**

Petitioner, through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Petition for Writ of Certiorari and the accompanying Appendix is due to be served and filed on January 27, 2012.

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 Petitioner moves for a third extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this Petition on time. In the past few weeks, the undersigned has

participated in oral argument at the Court of Appeals in State v. Richard M. Kough, State v. Sonny Stonewall Hawkins, State v. Gerald Fripp, State v. John Porter Johnson, State v. Andra Byron Jamison, State v. James Robert Nash, and State v. Daniel J. Jenkins, has participated in oral argument at this Court in State v. Charles Q. Jackson and State v. Kevin Cornelius Odems, has submitted Initial Briefs to the Court of Appeals in State v. Simuel, State v. Rolen, State v. Simmons, State v. Green, State v. Jolly, State v. White, State v. Meggett, State v. Wesley, State v. Foster, State v. Price, State v. Berry, State v. Baylock, State v. Rice, State v. Maxwell, State v. Gallishaw, and State v. Jackson, has filed a Petition for Rehearing in the Court of Appeals in State v. Coaxum and State v. Morris, has filed a Petition for Rehearing in this Court in State v. Odems, and has filed a Return to Petition for Certiorari in this Court in State v. Williams, State v. Bennett, State v. Avery, State v. Sams, and State v. Romero.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Petition is properly researched and prepared. The Petition in the above case has required significant research because the case involves four significant issues on appeal. The undersigned is currently working on the Petition in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Petition for Writ of Certiorari and the accompanying Appendix.

WHEREFORE, Petitioner prays that the Court extend the deadline for the service and filing of the Petition for Writ of Certiorari and the accompanying Appendix in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

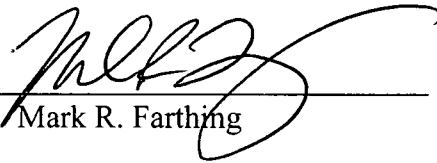
Respectfully submitted,

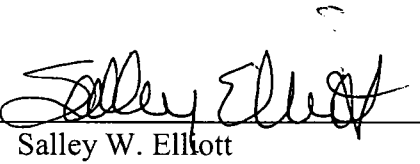
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

MARK R. FARTHING
Assistant Attorney General

By: 
Mark R. Farthing

By: 
Salley W. Elliott

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

January 27, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

THE STATE,

Petitioner,

vs.

BRIAN GARRIS,

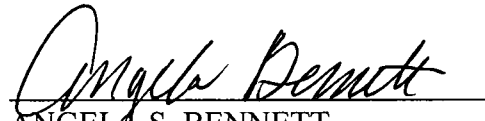
Respondent.

PROOF OF SERVICE

I, Angela S. Bennett, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Petition for Writ of Certiorari on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 27th day of January, 2012.



ANGELA S. BENNETT
Legal Assistant

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



ALAN WILSON
ATTORNEY GENERAL

January 27, 2012

RECEIVED

JAN 27 2012

S.C. Supreme Court

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

RE: State v. Brian Garris

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion for Third Extension of Time Within Which to Serve and File Petition for Writ of Certiorari, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General

MRF/erd
Enclosures

cc: LaNelle Cantey DuRant, Esquire
Victim Services

The Supreme Court of South Carolina

The State,

Respondent,

v.

Brian Garris,

Petitioner.

The Honorable George C. James, Jr.
Clarendon County
Trial Court Case No. 2006-GS-14-0265

ORDER

For good cause shown, the request for an extension to serve and file Return to Petition for Writ of Certiorari is granted and extended until January 27, 2012.

Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY 

Clerk

Columbia, South Carolina

January 4, 2012

cc: Appellate Defender Lanelle Cantey Durant
Attorney General Alan Wilson,
Chief Deputy Attorney General John W. McIntosh
Assistant Deputy Attorney General Salley W. Elliott
Assistant Attorney General Mark R. Farthing
Cecil Kelly Jackson, Esquire

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

RECEIVED

JAN - 5 2012

S.C. Supreme Court

THE STATE,

Respondent,

vs.

BRIAN GARRIS,

Petitioner.

**MOTION FOR SECOND EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE THE RETURN TO PETITION FOR
WRIT OF CERTIORARI**

Petitioner, through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Return to Petition for Writ of Certiorari and the accompanying Appendix is due to be served and filed on December 28, 2011.

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 Petitioner moves for a second extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this Petition on time. In the past few weeks, the undersigned

has participated in oral argument at the Court of Appeals in State v. Richard M. Kough, State v. Sonny Stonewall Hawkins, State v. Gerald Fripp, State v. John Porter Johnson, State v. Andra Byron Jamison, State v. James Robert Nash, and State v. Daniel J. Jenkins, has participated in oral argument at this Court in State v. Charles Q. Jackson and State v. Kevin Cornelius Odems, has submitted Initial Briefs to the Court of Appeals in State v. Simuel, State v. Rolen, State v. Simmons, State v. Green, State v. Jolly, State v. White, State v. Meggett, State v. Wesley, State v. Foster, State v. Price, and State v. Berry, has filed a Petition for Rehearing in the Court of Appeals in State v. Hill, State v. Coaxum, and State v. Morris, has filed a Brief of Respondent in this Court in State v. Odems, and has filed a Return to Petition for Certiorari in this Court in State v. Williams, State v. Bennett, State v. Avery, and State v. Romero.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The Return in the above case has required significant research because the case involves four significant issues on appeal. The undersigned is currently working on the Return in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Return to Petition for Writ of Certiorari and the accompanying Appendix.

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 accompanying Appendix in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

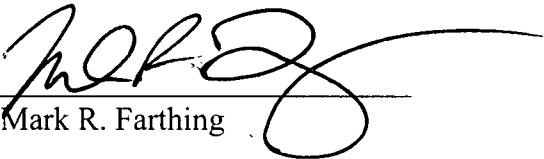
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

MARK R. FARTHING
Assistant Attorney General

By: 
Mark R. Farthing

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

December 28, 2011

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

THE STATE,

Respondent,

vs.

BRIAN GARRIS,

Petitioner.

PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Motion for Second Extension of Time Within Which to Serve and File the Return to Petition for Writ of Certiorari on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 28th day of December, 2011.



ELLEN R. DUBOIS
Legal Assistant

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



ALAN WILSON
ATTORNEY GENERAL

December 28, 2011

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

RE: State v. Brian Garris

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion for Second Extension of Time Within Which to Serve and File the Return to Petition for Writ of Certiorari, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General

MRF/erd
Enclosures

cc: LaNelle Cantey DuRant, Esquire
Victim Services

RECEIVED

JAN - 5 2012

S.C. Supreme Court

The Supreme Court of South Carolina

The State,

Respondent,

v.

Brian Garris,

Petitioner.

incorrect

The Honorable George C. James, Jr.
Clarendon County
Trial Court Case No. 2006-GS-14-0265

ORDER

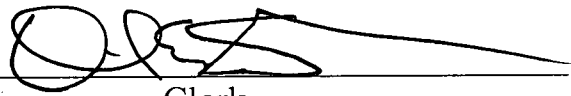
-Return

For good cause shown, the request for an extension to serve and file the petition for writ of certiorari is granted and extended until January 27, 2012. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

December 30, 2011

cc: Appellate Defender Lanelle Cantey Durant
Attorney General Alan Wilson,
Chief Deputy Attorney General John W. McIntosh
Assistant Deputy Attorney General Salley W. Elliott
Senior Assistant Attorney General Norman Mark Rapoport
Cecil Kelly Jackson, Esquire
The Honorable Tanya Gee

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

RECEIVED

DEC 28 2011

S.C. Supreme Court

THE STATE,

Petitioner,

vs.

BRIAN GARRIS,

Respondent.

**MOTION FOR SECOND EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE PETITION FOR
WRIT OF CERTIORARI**

Petitioner, through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Petition for Writ of Certiorari and the accompanying Appendix is due to be served and filed on December 28, 2011.

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 Petitioner moves for a second extension in the above-referenced criminal appeal. Due to work required in other cases pending before this Court and the South Carolina Court of Appeals, I am unable to complete this Petition on time. In the past few weeks, the undersigned

has participated in oral argument at the Court of Appeals in State v. Richard M. Kough, State v. Sonny Stonewall Hawkins, State v. Gerald Fripp, State v. John Porter Johnson, State v. Andra Byron Jamison, State v. James Robert Nash, and State v. Daniel J. Jenkins, has participated in oral argument at this Court in State v. Charles Q. Jackson and State v. Kevin Cornelius Odems, has submitted Initial Briefs to the Court of Appeals in State v. Simuel, State v. Rolen, State v. Simmons, State v. Green, State v. Jolly, State v. White, State v. Meggett, State v. Wesley, State v. Foster, State v. Price, and State v. Berry, has filed a Petition for Rehearing in the Court of Appeals in State v. Hill, State v. Coaxum, and State v. Morris, has filed a Brief of Respondent in this Court in State v. Odems, and has filed a Return to Petition for Certiorari in this Court in State v. Williams, State v. Bennett, State v. Avery, and State v. Romero.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Petition is properly researched and prepared. The Petition in the above case has required significant research because the case involves four significant issues on appeal. The undersigned is currently working on the Petition in this case and hopes to have it completed in a timely manner. I would therefore request an extension of time within which to serve and file the Petition for Writ of Certiorari and the accompanying Appendix.

WHEREFORE, Petitioner prays that the Court extend the deadline for the service and filing of the Petition for Writ of Certiorari and the accompanying Appendix in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

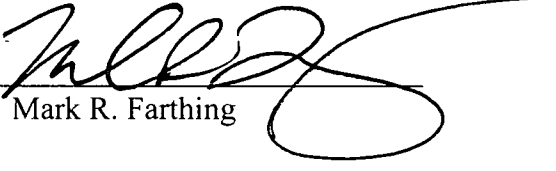
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

SALLEY W. ELLIOTT
Assistant Deputy Attorney General

MARK R. FARTHING
Assistant Attorney General

By: _____


Mark R. Farthing

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

December 28, 2011

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Clarendon County
Honorable George C. James, Jr., Circuit Court Judge

RECEIVED

DEC 28 2011

THE STATE,

S.C. Supreme Court
Petitioner,

vs.

BRIAN GARRIS,


Respondent.

PROOF OF SERVICE

I, Angela S. Bennett, certify that I have served the within Motion for Second Extension of Time Within Which to Serve and File Petition for Writ of Certiorari on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

LaNelle Cantey DuRant, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 28th day of December, 2011.



ANGELA S. BENNETT
Legal Assistant

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



ALAN WILSON
ATTORNEY GENERAL

December 28, 2011

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

RE: State v. Brian Garris

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion for Second Extension of Time Within Which to Serve and File Petition for Writ of Certiorari, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General

MRF/erd
Enclosures

cc: LaNelle Cantey DuRant, Esquire
Victim Services

RECEIVED
DEC 28 2011
S.C. Supreme Court

The Supreme Court of South Carolina

The State,

Respondent,

v.

Brian Garris,

Petitioner.

The Honorable George C. James, Jr.
Clarendon County
Trial Court Case No. 2006-GS-14-0265

ORDER

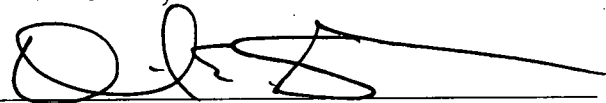
The request for an extension to serve and filed the Return to Petition for Writ of Certiorari is granted and extended until December 28, 2011.

Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

November 29, 2011

cc: Appellate Defender Lanelle Cantey Durant
Attorney General Alan Wilson,
Chief Deputy Attorney General John W. McIntosh
Assistant Deputy Attorney General Salley W. Elliott
Senior Assistant Attorney General Norman Mark Rapoport
Cecil Kelly Jackson, Esquire



ALAN WILSON
ATTORNEY GENERAL

November 23, 2011

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

RE: State v. Brian Garris

Dear Mr. Shearouse:

The Return to Petition for Writ of Certiorari in the above-referenced criminal appeal is due to be served and filed on November 23, 2011. However, due to a heavy workload, I am requesting a thirty-day extension to file and serve this Return. This is the first extension request at this stage in the process, and it is not intended for the purpose of delay. I appreciate your consideration of this request and ask that you hold the filing time in abeyance during the time in which this request is pending. By copy of this letter, I am informing counsel for Appellant of this extension request.

Sincerely,

Mark R. Farthing
Assistant Attorney General

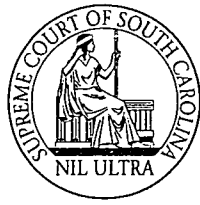
MRF/erd

cc: LaNelle Cantey DuRant, Esquire
Victim Services

RECEIVED

NOV 23 2011

S.C. Supreme Court



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

October 26, 2011

Appellate Defender Lanelle Cantey Durant
South Carolina Commission
on Indigent Defense
P O Box 11589
Columbia, SC 29211

Re: The State v. Garris, Brian
Case Tracking No. 2011-201646

Dear Counsel:

This office has received your Petition for Writ of Certiorari and Appendix in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

CLERK

DES/Ida

Enclosure

cc: Attorney General Alan Wilson, Chief Deputy Attorney General John W. McIntosh
Assistant Deputy Attorney General Salley W. Elliott
Senior Assistant Attorney General Norman Mark Rapoport
Cecil Kelly Jackson, Esquire
The Honorable Tanya Gee