

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

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Appeal from Lexington County
The Honorable J. Mark Hayes, Circuit Court Judge

MAY 05 2017

Appellate Case No.: 2016-001287

S.C. SUPREME COURT

BOYD RASHAEEN EVANS,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

The undersigned counsel for Respondent would respectfully request a thirty (30) day extension in which to file the Return to Petition for Writ of Certiorari in the above-referenced case. This is the third request by Respondent at this stage in the proceedings. In support of this motion, counsel would respectfully show the Court the following:

1. Respondent's Return is due today, May 5, 2017, pursuant to this Court's Order dated April 6, 2017. Undersigned counsel assumed representation for Respondent on this matter by letter dated May 1, 2017.

2. While counsel has been able to review the petition for writ of certiorari, and a part of the trial transcript as included in the appendix, counsel has not been able to complete the Return due to existing additional case load demands. Counsel references specifically the following work completed in the past thirty (30) days: prepared and filed a reply brief in the Supreme Court of the United States in a murder direct appeal (*Julio Hunsberger*); prepared and filed a response to motion for counsel and motion for stay in a capital case pending federal habeas action (*Steven Bixby*); prepared, circulated, and filed a joint status report in a capital federal habeas action (*Bayan Aleksey*); aided in the preparation of formal interrogatories to post-conviction relief counsel in another capital federal habeas action (*Sammie Stokes*); completed and filed a return and memorandum of law in support of motion for summary judgment in a non-capital habeas action (*George Porterfield*); completed and filed a return and memorandum of law in support of motion for summary judgment in another non-capital habeas action (*Joshua Ray Greer*); prepared for and attended a hearing in Conway, SC, on a motion to reconsider denial of a motion to amend in a capital post-conviction relief case, and drafted a proposed order in the same case (*Stephen Corey Bryant*); prepared for and presented argument in this Court in a non-capital murder direct appeal case (*Tyrel Collins*); and prepared for and attended a hearing in the District Court in Greenville, SC, in a pending federal habeas action in another capital case (*Brad Sigmon*).

3. As noted above, this is the third request for an extension of time at this step in the proceedings. This request is not made for simple purposes of delay, but out of necessity given the change in representation and the case load preventing completion of the return in the time

remaining on the prior extension. However, undersigned counsel will work diligently to complete the responsive pleading(s) within the time requested.

WHEREFORE, undersigned counsel for Respondent moves this Court to enlarge the time for filing the Return to Petition for Writ of Certiorari in this matter by granting a thirty (30) day extension of time in which to file the return, and ordering that the Return to Petition for Writ of Certiorari be filed on or before June 5, 2017.

Respectfully submitted,

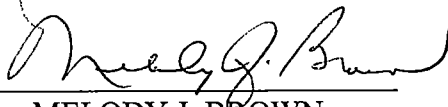
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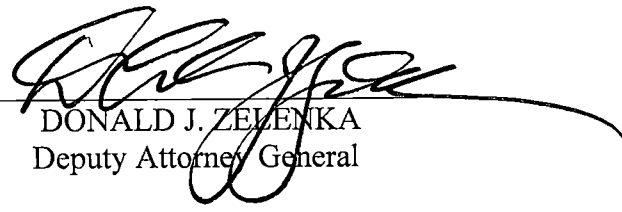
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By: 
MELODY J. BROWN
ATTORNEYS FOR RESPONDENT

May 5, 2017
Columbia, South Carolina

[continued on next page]

By:



DONALD J. ZELENKA
Deputy Attorney General

I support the finding of good cause.

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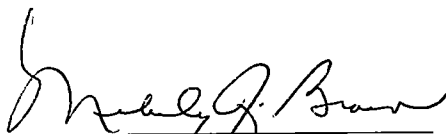
Respondent.

PROOF OF SERVICE

I, Melody J. Brown, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a third extension of time to file the Return to Petition for Writ of Certiorari via U.S. mail to his attorney of record, Laura R. Baer, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

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

This 5th day of May, 2017.


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