

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Lexington County
The Honorable J. Mark Hayes, Circuit Court Judge
(Common Pleas, PCR Appeal)

RECEIVED

JUN 05 2017

BOYD RASHAEEN EVANS,

S.C. SUPREME COURT
Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

Appellate Case No. 2016-001287

**MOTION FOR FOURTH EXTENSION TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Return to Petition for Writ of Certiorari up to and including July 5, 2017. This is Respondent's fourth request for an extension of time in which to file the petition. In support of the request, undersigned counsel would respectfully show the Court:

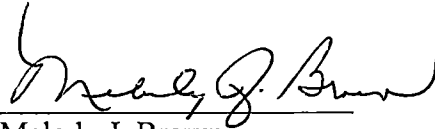
1. The Return to Petition for Writ of Certiorari is due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. Undersigned counsel for Respondent was recently assigned this case. The matter was already on extension when assigned. Counsel has made review of the filings and the appendix, and has begun preparing the argument. However, counsel has not had the opportunity to prepare the return for filing.
3. Counsel asserts she does not seek this extension for the purpose of simple delay.

Rather, undersigned counsel for Respondent has a heavy workload that has prevented the completion of a proper brief. Counsel references specifically the following work completed in the past thirty (30) days: prepared and filed a motion to life stay, and a reply to the response in opposition to life the stay in a capital case in federal habeas (*Brad Sigmon*); finalized and submitted a proposed order denying motion for reconsideration in a capital state post-conviction relief action (*Stephen Corey Bryant*); prepared and filed a return to petition for writ of certiorari in a non-capital post-conviction relief action appeal in this Court (*Tommy Adams*); completed and filed a return and memorandum in this Court in a murder case in federal habeas, and also prepared and filed an additional attachment to the return and a response to motion for extension in that same case (*Christopher Commander*); prepared and filed the state court records in another capital federal habeas matter (*Steven Bixby*); prepared and filed a reply to objections in another federal habeas action (*Samuel Whitner*); prepared and filed a reply to objections in another federal habeas action (*Geroge Porterfield*); prepared for and attended a motion hearing in a non-capital PCR in Lexington SC (*Robert Baker*); prepared a reply in booklet form in a murder direct appeal for filing in the Supreme Court of the United States (*Alexander Hunsberger*); and, prepared for filing today a memorandum of respondents' position for a hearing set in federal court for Wednesday June 7, 2017 in another capital federal habeas action (*Sammie Stokes*); and, a return to a motion to hold appeal time lines in abeyance and remand for reconstruction of the record in a non-capital PCR appeal pending in this Court (*Randall Earl Sightler*). Undersigned counsel has also been reviewing files and assigning state post-conviction relief action responsibilities in multiple pending cases in the Eleventh Judicial Circuit, Common Pleas, and preparing for a roster meeting next month.

4. Counsel for the Petitioner consents to this request shown by signature below.

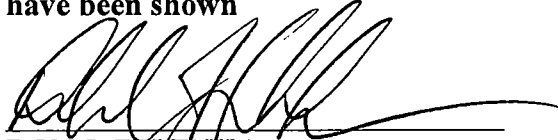
THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty (30) day extension** until **July 5, 2017**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,



Melody J. Brown
Assistant Attorney General
S.C. Bar # 14244
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305
Attorney for Respondent

**We concur that extraordinary circumstances
have been shown**




DON J. ZELENKA
Deputy Attorney General



ROBERT BOLCHOZ
Chief Deputy Attorney General

June 5, 2017.
Columbia, South Carolina.

I consent:


Laura R. Baer
~~Private Counsel~~ Appellate Defender

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

Appellate Case No. 2016-001287

BOYD RASHAEEN EVANS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

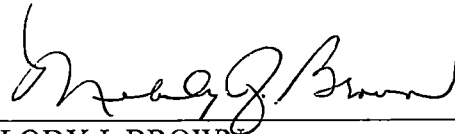
Respondent.

CERTIFICATE OF SERVICE

I, Melody J. Brown, hereby certify that I have served the Motion for Fourth Extension to file the Return to Petition for Writ of Certiorari, on Petitioner by depositing a copy of same in the United States Mail, postage prepaid addressed to:

**Laura R. Baer, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211**

This 5th day of June, 2017



MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar # 14244
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT