

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Anderson County
The Honorable R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2016-001845

RECEIVED

JUL 31 2017

S.C. SUPREME COURT

GARVIN DUVALL,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Return to Petition for a Writ of Certiorari is due to be served and filed on July 31, 2017.

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 State moves for a **fourth** extension in the above-referenced post-conviction relief appeal and asks for an additional thirty days to complete the Return in this case. In the past few weeks, the

undersigned has submitted Returns to Petitions for Writs of Certiorari in David Coward v. State, Loretta Branyon v. State, and James Tinsley v. State. The undersigned has submitted numerous pleadings and proposed orders in circuit court over the past few weeks. Additionally, the undersigned is also appearing on behalf of the State in post-conviction relief hearings in Berkeley County on today's date.


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 arises out of a murder conviction from a joint trial and involves significant research on two separate issues on appeal. The undersigned is currently working on this Return and hopes to have it completed shortly. The undersigned therefore requests an extension of time within which to serve and file the Return.

WHEREFORE, Respondent prays the Court extend the deadline for the service and filing of the Return to the Petition for a Writ of Certiorari in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper based upon the above exigent circumstances.

THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty day extension** until **August 30, 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,





Lindsey A. McCallister
Assistant Attorney General
S.C. Bar # 79054

Office of the Attorney General
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Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

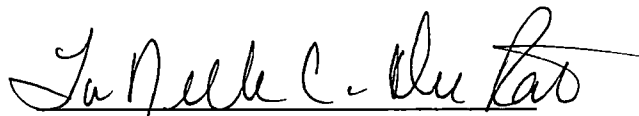
**We concur that extraordinary
circumstances have been shown**


MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General


ROBERT BOLCHOZ
Chief Deputy Attorney General

This 31st day of July, 2017

I consent:


LaNelle C. DuRant
Appellate Defense

STATE OF SOUTH CAROLINA
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STATE OF SOUTH CAROLINA,

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CERTIFICATE OF SERVICE

I, Lindsey A. McCallister, 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:

**LaNelle Cantey DuRant, Esquire
S.C. Commission on Indigent Defense
1330 Lady St., Suite 401
PO Box 11589
Columbia, SC 29211**

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

This 31st day of July, 2017



LINDSEY A. MCCALLISTER
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(803) 734-3737

ATTORNEY FOR RESPONDENT