

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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NOV 06 2017
S.C. SUPREME COURT

Certiorari from Beaufort County
The Honorable Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2017-000970

JABARI LINNEN,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION FOR THIRD EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI AND APPENDIX**

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

I.

The Petition for a Writ of Certiorari and Appendix is due to be served and filed on November 6, 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 third extension in the above-referenced post-conviction relief appeal and asks for an additional thirty days to complete the Petition in this case. In the past few weeks, the

undersigned appeared on behalf of the State in post-conviction relief hearings in Beaufort County and has been in the process of drafting over a dozen proposed orders of dismissal. Additionally, the undersigned is submitting a Return to Petition for Writ of Certiorari in Marquis Breeland v. State today.

III.

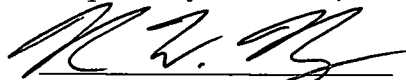
This extension request is not intended for purposes of delay, but rather to ensure that the Petition is properly researched and prepared. The Petition in the above case arises out of a drug trafficking case and raises a complicated issue on appeal. The undersigned is currently working on this Petition and hopes to have it completed shortly. The undersigned therefore requests an extension of time within which to serve and file the Petition.

WHEREFORE, Respondent prays the Court extend the deadline for the service and filing of the Petition for a Writ of Certiorari and Appendix 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.

(Signature page to follow)

THEREFORE, undersigned counsel for Respondent respectfully requests a third thirty day extension until December 6, 2017, in which to complete and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances.

Respectfully submitted,



Ruston W. Neely
Assistant Attorney General
S.C. Bar #100192

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent



MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

This 6th day of November, 2017.

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Appeal from Beaufort County
The Honorable Carmen T. Mullen, Circuit Court Judge

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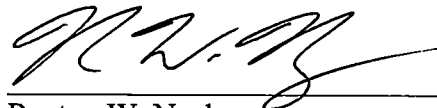
CERTIFICATE OF SERVICE

I, Ruston W. Neely, hereby certify that I have served the Motion for Third Extension to file the Petition for Writ of Certiorari and Appendix, on Petitioner by depositing a copy of same in the United States Mail, postage prepaid addressed to:

**Jared Sullivan Newman
Jared S. Newman, P.A.
PO Box 515
Port Royal, SC 29935**

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

This 6th day of November, 2017



Ruston W. Neely
Assistant Attorney General
S.C. Bar #100192
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

PCR DIVISION: 803.734.3737
PCR FACSIMILE: 803.734.4113

November 6, 2017

Via Hand Delivery

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

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S.C. SUPREME COURT

**RE: Jabari Linnen v. State of South Carolina
Circuit Court Case No: 2016-CP-07-0570
Appellate Case No.: 2017-000970**

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion for Extension to File Petition for Writ of Certiorari and Appendix in the above matter for filing in your office. By copy of this letter I am serving opposing counsel with this return today.

Sincerely,

Ruston W. Neely
Assistant Attorney General

RWN/jaj
Enclosures

cc: Jared S. Newman, Esquire (w/enclosure)