

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM LEXINGTON COUNTY
The Honorable Eugene C. Griffith, Jr., Post-Conviction Relief Judge **S.C. SUPREME COURT**

Appellate Case No. 2017-001877.
Case No. 2014-CP-32-04769

Lance Austin Williams, SCDC No. 00345477.....Respondent,

v.

State of South Carolina.....Petitioner.

**RESPONDENT'S RESPONSE TO MOTION FOR
THIRD EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI AND APPENDIX**

Richard A. Harpootlian (SC Bar No. 2725)
Christopher P. Kenney (SC Bar No. 100147)
RICHARD A. HARPOOTLIAN, P.A.
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ATTORNEYS FOR RESPONDENT
LANCE AUSTIN WILLIAMS

December 15, 2017
Columbia, South Carolina.

In its third request for an extension, the State seeks eight (8) additional days in which to file a petition for a writ of certiorari and appendix. This Court requires that a third request to extend the time to file a petition for certiorari in a post-conviction relief (PCR) action be made via motion, containing facts that support a good cause finding, accompanied by the signature of the supervising attorney. See Order RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings (S.C. Sup. Ct. Mar. 18, 2009) (hereafter, “Extension Order”).¹ The State’s most recent extension request meets these threshold requirements.

With respect to whether the facts cited by the Assistant Attorney General—namely, counsel’s involvement in other litigation—constitutes good cause, Mr. Williams is troubled by the suggestion that the State’s heavy caseload should inure to his detriment. Mr. Williams *prevailed* below and the State noticed this appeal. As explained in his pending motion for bail and reply to the State’s opposition, the State is yet to identify a colorable theory as grounds to reverse the PCR court’s detailed 31-page opinion and order vacating Mr. Williams’ convictions. Thus, the State’s repeated extension requests—meritorious or not—delay the resolution of this matter and Mr. Williams ability to put his seven-year and nine-month incarceration behind him.²

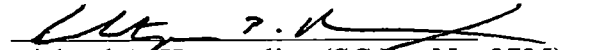
Nevertheless, the State’s eight-day extension requests *appears* to suggest it will be the last. Accordingly, Mr. Williams takes no position on it. If another extension request is sought, Mr. Williams intends to object and ask the Court for an order dismissing this appeal.

[signature page follows]

¹ Available at: <http://www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2009-03-18-01>.

² Including pre-trial detention.

Respectfully submitted,


Richard A. Harpootlian (SC Bar No. 2725)
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CERTIFICATE OF SERVICE

I, Holli Miller, paralegal to the attorney for the Applicant, Richard A. Harpootlian, P.A., with offices at 1410 Laurel Street, Post Office Box 1090, Columbia, South Carolina 29202, certify that on December 15, 2017, served by having the below document placed in the mail, first class postage affixed thereto, to the following mentioned person:

Document: Respondent's Response to Motion for Third Extension of Time to File Petition for Writ of Certiorari and Appendix

Served: Alphonso Simon, Jr., Assistant Attorney General
South Carolina Attorney General's Office
Post Office Box 11549
Columbia South Carolina 29211-1549


Holli Miller



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S.C. SUPREME COURT

The Hon. Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

In re: Lance Austin Williams v. State of South Carolina
Case No. 2017-001877

Dear Mr. Shearouse:

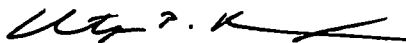
Enclosed please find the original and eight copies of the Respondent's Response to Motion for Third Extension of Time to File Petition for Writ of Certiorari and Appendix. Please clock-in the original and copies and return two copies to my courier.

By copy of this letter, I am serving opposing counsel with a copy of the same.

Thank you for your assistance in this matter.

With warm personal regards, I am

Sincerely,


Christopher P. Kenney

/hm

Enclosures

cc: Alphonso Simon, Jr., Assistant Attorney General