

STATE OF SOUTH CAROLINA  
In the Supreme Court

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Appeal from Lexington County  
Court of Common Pleas  
The Honorable Perry H. Gravely, Circuit Court Judge

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Appellate Case No. 2017-000841

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**RECEIVED**

JAN 05 2018

S.C. SUPREME COURT

Brantley W. Clarke,

Petitioner,

v.

State of South Carolina,

Respondent.

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

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Respondent, the State, moves this Court for an additional thirty day extension of time in which to file the Return to Petition for Writ of Certiorari up to and including February 5, 2018.

This is Respondent's fourth request for an extension of time in which to file the Return to Petition for Writ of Certiorari. In support of the request, undersigned counsel would respectfully show the Court:

1. The Return to Petition for Writ of Certiorari is due to filed with the Court today. The Court has granted counsel three previous extensions. Counsel has been involved in other matters in state and federal court that have prevented the filing of the Return to Petition for Writ of Certiorari in this case.

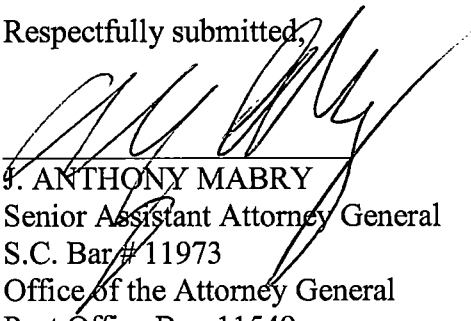
2. The Undersigned has undergone surgery recently and was out of work for approximately ten (10) days to two (2) weeks recovering from surgery;
3. Counsel is also preparing for and has been preparing for an evidentiary hearing in U.S. District Court **beginning Monday January 8, 2018** before the Honorable Shiva V. Hodges, United States Magistrate, in Sammy L. Stokes v. Warden (Capital Federal Habeas Case) that is expected to last several days;<sup>1</sup>
4. Counsel also prepared and filed a Petition for Rehearing and Suggested Rehearing En Banc in State v. Robert Prather, as to the Court of Appeals substituted published Opinion in that case on or about December 21, 2017;
5. Counsel also prepared and filed a Return to PCR Application in Steven David Folk v. State in Lexington County on about December 22, 2017;
6. The Attorney General's Office was closed on December 25-26 of 2017, and January 1, 2018 for State holidays;
7. Another Assistant Attorney General has been assigned to assist in drafting the Return to the Petition for Writ of Certiorari in this case to prevent further delay in filing Respondent's Return;
8. Counsel for the Petitioner, Tara Dawn Shurling, was notified by telephone of this request on Tuesday, January 02, 2018 and given the circumstances, has no objections to the extension request.

THEREFORE, for extraordinary circumstances shown, undersigned counsel for Respondent respectfully requests a fourth thirty (30) day extension until February 5, 2018, in which to complete and file the Return to Petition for Writ of Certiorari in this case.

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<sup>1</sup> Mr. Stokes is raising claims in federal habeas pursuant to Martinez v. Ryan.

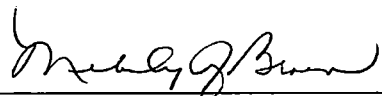
Respectfully submitted,



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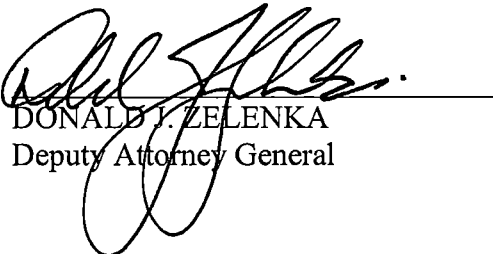
ANTHONY MABRY  
Senior Assistant Attorney General  
S.C. Bar # 11973  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305  
Attorney for Respondent

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



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MELODY J. BROWN  
Senior Assistant Deputy Attorney General



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DONALD J. ZELENKA  
Deputy Attorney General

This 5<sup>th</sup> day of January, 2018

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In the Supreme Court

Appeal from Lexington County  
Court of Common Pleas  
The Honorable Perry H. Gravely, Circuit Court Judge

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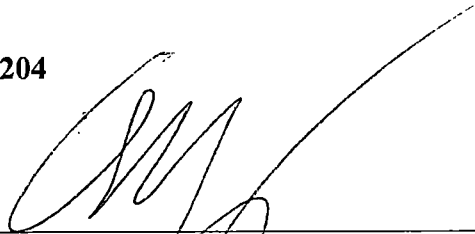
**MOTION FOR EXTENSION TO FILE THE  
RETURN TO PETITION FOR WRIT OF CERTIORARI**

**CERTIFICATE OF SERVICE**

I, J. Anthony Mabry, hereby certify that I have served the Motion for the 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:

**Tara D. Shurling, Esquire  
3614 Landmark Drive  
Suite A  
Columbia, South Carolina 29204**

This 5<sup>th</sup> day of January, 2018

  
\_\_\_\_\_  
J. ANTHONY MABRY  
Senior Assistant Attorney General  
S.C. Bar # 11973  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

ATTORNEY FOR RESPONDENT



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JAN 05 2018

S.C. SUPREME COURT

ALAN WILSON  
ATTORNEY GENERAL

January 5, 2018

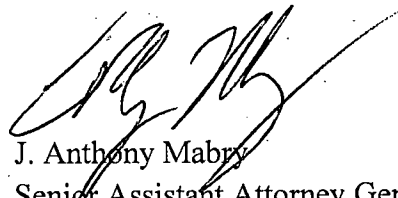
The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

**Re:** Brantley W. Clarke v. State of South Carolina  
Appellate Case No. 2017-000841  
Lexington County (PCR action)

Dear Mr. Shearouse:

Enclosed for filing please find an original and six (6) copies of the Motion for Fourth Extension to File Return to Petition for Writ of Certiorari in the above-captioned case along with proof of service for filing in the above referenced case.

Sincerely,



J. Anthony Mabry  
Senior Assistant Attorney General  
SC Bar #11973

JAM/trb  
Enclosures

cc: Tara D. Shurling, Esquire  
Trisha Allen, Victim Advocacy Division (without enclosure)