

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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FEB 02 2018

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

S.C. SUPREME COURT

Appellate Case No. 2017-000231

MAXWELL SIPES,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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

Respondent, the State, moves this Court for an additional fourteen day extension of time in which to file the Return to Petition for Writ of Certiorari up to and including February 16, 2018. This is Respondent's fifth 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 four previous extensions.
2. This is the fifth request for an extension of time in which to file a response.
3. Since Counsel's last extension request, Counsel has filed a Return to Petition for Writ of Certiorari in Larry Mattress v. State and appeared for oral arguments in Onrae Williams v. State.
4. On January 25, 2018, Counsel learned of a family medical emergency which required

her immediate presence out of state for several days.

5. Counsel has been preparing for a term of court in the Twelfth Circuit, where is she appearing on behalf of the State this week.
6. Counsel for Petitioner consents to this request shown by signature below.

This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly prepared. The Return in the above case arises out of a criminal sexual conduct case and raises multiple issues on appeal. The undersigned therefore requests an extension of time within which to serve and file the Return. THEREFORE, undersigned counsel for Respondent respectfully requests a **fifth and final fourteen day extension** until **February 16, 2018**, 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,

for Kelly Appel
Lindsey A. McCallister
Assistant Attorney General
S.C. Bar # 79054
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

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

[Signature]
DONALD J. ZELENKA
Deputy Attorney General

[Signature]
W. JEFFREY YOUNG
Chief Deputy Attorney General

I consent:

[Signature]
Wanda H. Carter
Appellate Defense

This 2nd day of February, 2018.

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MAXWELL SIPES,

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STATE OF SOUTH CAROLINA,

Respondent.

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:

**Wanda H. Carter, Esquire
S.C. Commission on Indigent Defense
Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211**

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

This 2nd day of February, 2018

for



LINDSEY A. MCCALLISTER
Assistant Attorney General
S.C. Bar # 79054
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

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S.C. SUPREME COURT

February 2, 2018


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

RE: Maxwell Sipes v. State of South Carolina
Appellate Case No. 2017-000231
Lower Court Case No. 2012-CP-04-0084

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the **Motion for Fifth Extension to File Return to Petition for Writ of Certiorari** in the above mentioned case.

Sincerely,


for Lindsey A. McCallister
Assistant Attorney General
SC Bar #79054

LAM/cc

cc: Wanda H. Carter, Esquire