

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable John C. Hayes, III, Circuit Court Judge

Jessie James Robinson, Petitioner,

v.

State of South Carolina, Respondent.

**MOTION TO FILE RETURN TO PETITION
FOR WRIT OF CERTIORARI OUT OF TIME**

COMES NOW, the Respondent, above named, by and through undersigned counsel, making its Motion to File Return to Petition for Writ of Certiorari Out of Time, would show unto this Court:

I.

The Return to Petition for Writ of Certiorari in the above captioned matter was due to be filed and served on February 12, 2018. The Petition for Writ of Certiorari, filed January 10, 2018, was accompanied by a Johnson Petition for Writ of Certiorari pursuant to Austin v. State. Through inadvertence, the matter was not calendared, as the Respondent does not traditionally calendar a responsive pleading for a Johnson Petition for Writ of Certiorari. The undersigned intends to file a letter in lieu of a formal Return to Petition for Writ of Certiorari on today's date.

II.

In view of the foregoing, it is respectfully requested that this Court allow the Return to Petition for Writ of Certiorari out of time.

III.

WHEREFORE, it is respectfully requested that this motion be granted.

Respectfully submitted,

ALAN WILSON
Attorney General

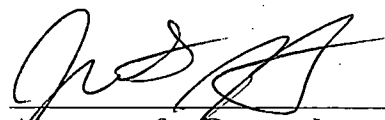
W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JUSTIN J. HUNTER
Assistant Attorney General

P.O. Box 11549
Columbia, S.C. 29211
(803) 734-3737

By:



Attorneys for Respondent

Columbia, South Carolina
February 21, 2018

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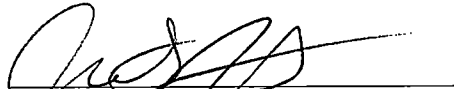
State of South Carolina, Respondent.

CERTIFICATE OF SERVICE

I, Justin J. Hunter, Counsel for Respondent, certify that I have today served the within Motion to File Return to Petition for Writ of Certiorari Out of Time upon Petitioner by depositing a copy in the United States Mail, postage prepaid, addressed to:

**Robert M. Pachak, Esquire
SC Commission on Indigent Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201**

I further certify that all parties required by Rule to be served have been served this 21st day of February, 2018.


JUSTIN J. HUNTER
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
Attorney for Respondent



ALAN WILSON
ATTORNEY GENERAL

February 21, 2018

RECEIVED

FEB 21 2018

S.C. SUPREME COURT

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

Re: Jessie James Robinson v. State of South Carolina
Appellate Case No. 2017-001688
Lower Court Case No. 2015-CP-46-1169

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of Motion to File Return to Petition for Writ of Certiorari Out of Time for filing in your office.

Sincerely,

Justin J. Hunter
Assistant Attorney General
SC Bar No. 101254

cc: Robert M. Pachak, Esquire