

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Spartanburg County  
The Honorable Edward W. Miller, Circuit Court Judge

Appellate Case No. 2017-001549

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RECEIVED  
JUN 01 2018  
S.C. SUPREME COURT

GABRIEL JON RIOS,

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 (30) day extension of time in which to file the Return to Petition for Writ of Certiorari up to and including July 2, 2018. This is Respondent's fourth request for an extension of time in which to file the return. 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 three previous extensions.
2. This is the fourth request for an extension of time in which to file a response.
3. Counsel appeared on behalf of the state at a term of PCR hearing the week of April 2-6, 2018 and has been preparing orders and post-trial briefs from that term.
4. Due to staff turnover in the office, Counsel is temporarily handling an additional case load and transitioning to a new case load assignment, which has required a significant

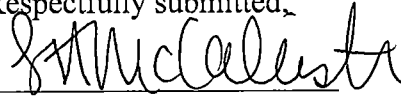
amount of Counsel's attention in the past month.

5. Counsel appeared on behalf of the State at a PCR hearing in Florence on May 31, 2018, and is appearing for a scheduling conference in Richland County today.
6. Counsel filed a Petition for Writ of Certiorari in Hubert Brown v. State (2016-001363) on May 9, 2018, and a Return to Petition for Writ of Certiorari in Gregory F. Young v. State (2017-001653).

This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The Return in the above case arises out of a home-invasion armed robbery and raises multiple issues on appeal. The undersigned is currently working on this Return and hopes to have it completed shortly. The undersigned therefore requests an extension of time within which to serve and file the Return. THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty-day extension until July 2, 2018**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

{Signatures on following page.}

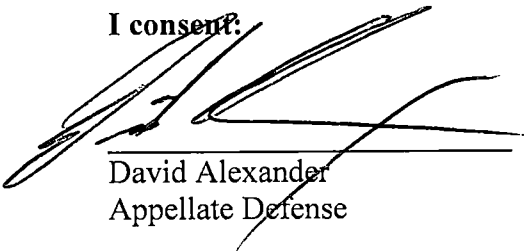
Respectfully submitted,



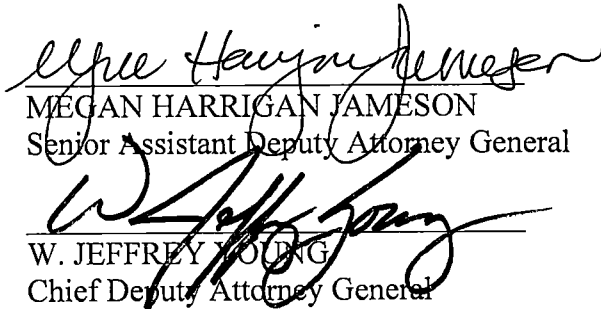
Lindsey A. McCallister  
Assistant Attorney General  
S.C. Bar # 79054  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737  
Attorney for Respondent

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

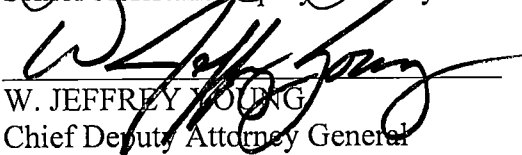
**I consent:**



David Alexander  
Appellate Defense



MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General



W. JEFFREY YOUNG  
Chief Deputy Attorney General

This 1<sup>st</sup> day of June, 2018.

STATE OF SOUTH CAROLINA  
In The Supreme Court

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CERTIORARI TO SPARTANBURG COUNTY  
Court of Common Pleas

The Honorable Edward W. Miller, Circuit Court Judge

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Appellate Case No. 2017-001549

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Gabriel Jon Rios,.....Petitioner,

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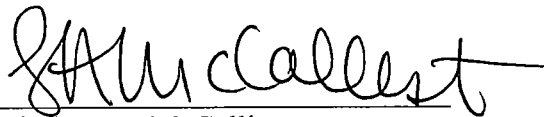
**CERTIFICATE OF SERVICE**

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I, Lindsey A. McCallister, certify that I have today served the within **Motion for Fourth Extension to File Return to Petition for Writ of Certiorari** upon Appellant by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

**David Alexander, Esquire  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211-1589**

This 1<sup>st</sup> day of June, 2018.



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Lindsey A. McCallister  
S.C. Bar # 79054  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737  
ATTORNEY FOR RESPONDENT



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JUN 01 2018

S.C. SUPREME COURT

ALAN WILSON  
ATTORNEY GENERAL

June 1, 2018

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

**Re: Gabriel Jon Rios, #344751 v. State of South Carolina**  
**Appellate Case No.: 2017-001549**  
**Lower Court Case: 2015-CP-42-2541**

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.

Sincerely,

Lindsey A. McCallister  
Assistant Attorney General  
SC Bar #79054

LAM/lm  
Enclosures

cc: David Alexander, Esquire  
Trisha Allen, Director - Victim Advocacy Division