

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Horry County
Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2017-001413

RECEIVED

SEP 17 2018

S.C. SUPREME COURT

LADORREAN C. COLLINGTON,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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

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 Wednesday, October 17, 2018. This is Respondent's fourth 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 was due to be filed with the Court on Friday, September 14, 2018, but is now due to be filed with the Court today by virtue of this Court's orders of September 11, 2018, relating to Hurricane Florence. The Court has granted Respondent three previous extensions.
2. This is the fourth request for an extension of time in which to file a response.
3. Counsel inherited the subject case from prior counsel Valerie Giovanoli, Esq., who separated from the South Carolina Attorney General's Office on March 9, 2018.

4. Counsel is unable to complete the return to petition for writ of certiorari due to an extremely heavy workload, alongside interruptions caused by Hurricane Florence, to wit:

- a. The IT systems of the South Carolina Attorney General's Office were taken offline during the course of Hurricane Florence as a measure to prevent potential data loss from expected power outages;
- b. The undersigned remained committed throughout the last week to preparation for a term of post-conviction relief scheduled in the 15th Judicial Circuit for the week of September 17-21, 2018, until its cancellation by the Horry County Clerk of Court late yesterday afternoon, due to the threat of worsening flooding;
- c. The undersigned filed a return to petition for writ of certiorari in *Dayton Frinks v. State* (2017-001778) on September 10, 2018;
- d. The undersigned submitted a proposed Conditional Order of Dismissal to the Honorable William H. Seals, Jr. in *Leonard Heyward v. State* (2017-CP-22-00209) on September 7, 2018
- e. The undersigned submitted a proposed Order of Dismissal to the Honorable Larry B. Hyman, Jr. in *Sammy Scarborough v. State* (2017-CP-17-00561) on September 6, 2018;
- f. The undersigned submitted a proposed Order of Dismissal to the Honorable Larry B. Hyman, Jr. in *Jameco A. Toney v. State* (2017-CP-16-00470) on September 6, 2018;
- g. The undersigned filed a return to petition for writ of certiorari in *Robbie Bufkin v. State* (2018-000053) on September 5, 2018;
- h. The undersigned filed a petition for writ of certiorari in *Breyon Toney v. State*

(2018-000184) on September 5, 2018;

- i. The undersigned submitted a proposed Order of Dismissal to the Honorable Paul M. Burch in John E. Sessions, III v. State (2014-CP-26-05918) on September 4, 2018;
- j. The undersigned submitted a proposed Conditional Order of Dismissal to the Honorable William H. Seals, Jr. in Salvador Ware v. State (2018-CP-26-03918) on September 4, 2018;
- k. The undersigned submitted a proposed Order of Dismissal to the Honorable Paul M. Burch in Dominic A. Leggette v. State (2015-CP-22-00521) on August 31, 2018;
- l. The undersigned filed a brief of petitioner in Eugene Gardner v. State (2017-000881) on August 31, 2018;
- m. The undersigned filed a return to petition for writ of certiorari in Stefano Brooks v. State (2017-001615) on August 28, 2018;
- n. The undersigned submitted a proposed Order of Dismissal to the Honorable Paul M. Burch in Leroy Staton v. State (2018-CP-34-00113) on August 23, 2018;
- o. The undersigned submitted a proposed Order of Dismissal to the Honorable Paul M. Burch in David E. Dixon v. State (2015-CP-34-00228) on August 20, 2018;
- p. The undersigned submitted a proposed Conditional Order of Dismissal to the Honorable William H. Seals, Jr. in Jody Ward v. State (2018-CP-22-00488) on August 20, 2018;
- q. The undersigned submitted a proposed Order of Dismissal to the Honorable

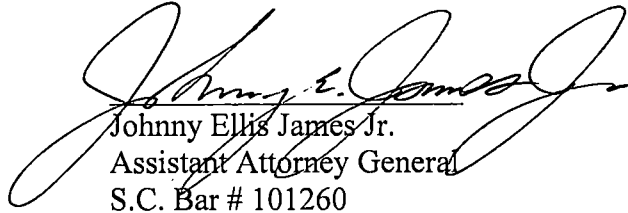
Larry B. Hyman, Jr. in Jamie Ray Lewis v. State (2016-CP-16-00065) on August 17, 2018;

- r. The undersigned submitted a proposed Order of Dismissal to the Honorable Paul M. Burch in Eric S. Green v. State (2016-CP-17-00149) on August 13, 2018;
- s. The undersigned filed a return to petition for writ of certiorari in Michael A. Livingston (2017-001739) on August 9, 2018;
- t. The undersigned submitted a proposed Conditional Order of Dismissal to the Honorable William H. Seals, Jr. in Anthony Graham v. State (2018-CP-26-03460) on August 7, 2018;
- u. The undersigned filed a petition for writ of certiorari in Jimmy Lee Sessions v. State (2018-000117) on August 6, 2018;
- v. The undersigned filed a petition for writ of certiorari in Christopher Stephens v. State (2018-000116) on August 6, 2018; and
- w. The undersigned filed, but respectfully omits the particulars of, numerous proposed orders for PCR withdrawals, proposed orders for failures to prosecute, and numerous returns to applications for post-conviction relief.

5. Counsel for the 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 researched and prepared. THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty (30) day extension** until **Wednesday, October 17, 2018**, or other such time the Court deems appropriate, 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,



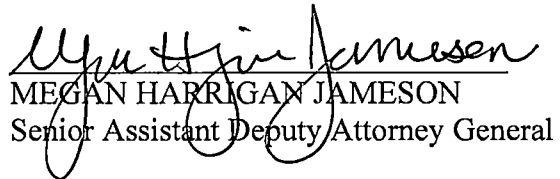
Johnny Ellis James Jr.
Assistant Attorney General
S.C. Bar # 101260
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

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

I consent:

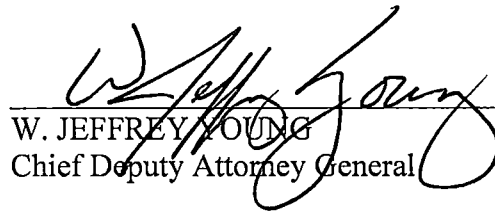


KATHRINE H. HUDGINS
Appellate Defense



MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

This 17th day of September, 2018



W. JEFFREY YOUNG
Chief Deputy Attorney General

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Horry County
Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2017-001413

LADORREAN C. COLLINGTON,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

I, Johnny Ellis James Jr., hereby certify that I have served the Motion for Fourth Extension to file the Return to Petition for Writ of Certiorari, on Petitioner by direct courier delivery to:

Mrs. Kathrine H. Hudgins
S.C. Commission on Indigent Defense
Appellate Defense
PO Box 11589
Columbia, SC 29211

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

This 17th day of September, 2018



JOHNNY ELLIS JAMES JR.

Assistant Attorney General

S.C. Bar # 101260

Office of the Attorney General

Post Office Box 11549

Columbia, South Carolina 29211

(803) 734-3737

ATTORNEY FOR RESPONDENT



RECEIVED
SEP 17 2018
S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

September 17, 2018.

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

Re: LaDorreean Collington v. State of South Carolina
Appellate Case No. 2017-001413
Lower Court Case No. 2014-CP-26-0563

Dear Mr. Shearouse:

Enclosed please find the **Motion for Fourth Extension** to file the Return to Petition for Writ of Certiorari in the above-referenced case. If you have any questions, please do not hesitate to contact me.

Sincerely,

Johnny E. James Jr.
Assistant Attorney General
SC Bar No. 101260

JEJ/mm
Enclosures

cc: Kathrine H. Hudgins, Esquire