

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Horry County
Brooks P. Goldsmith, Circuit Court Judge

Appellate Case No. 2017-001689

RECEIVED

OCT 17 2018

S.C. SUPREME COURT

PRENTISS WAYNE LOVE,

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 Friday, November 16, 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 is due to be filed with the Court on Wednesday, October 17, 2018. 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 Patrick Schmeckpeper, Esq., who appeared on behalf of the State for the PCR evidentiary hearing and departed from the office shortly thereafter.

4. The petition for writ of certiorari in this matter is of extended length (50 pages), with a well-above-average number of issues of substantial complexity such that the response requires additional time to prepare;
5. Counsel is unable to complete the return to petition for writ of certiorari due to an extremely heavy workload, alongside interruptions caused by Hurricanes Florence and Michael, as well as other weather-related travel interruptions, to wit:
 - a. The undersigned is filing today a brief of petitioner in Vladimir Pantovich v. State (2017-000280);
 - b. The undersigned “appeared” this morning for a conference call motion hearing in the matter of Terron Dizzley v. State (2015-CP-22-0845), after continuing from an originally planned physical appearance in Walterboro yesterday;
 - c. The undersigned filed a return to petition for writ of certiorari in Ladorrean Collington v. State (2017-001413) on October 15, 2018;
 - d. The South Carolina Attorney General’s Office was closed due to Hurricane Michael on October 11, 2018;
 - e. The undersigned was on leave from the office from Wednesday, October 3, 2018 through late Wednesday, October 10, 2018;
 - i. The five days of annual leave constituted the undersigned’s first extended discretionary leave from the office since March 2015, and was extended by necessity due to weather-delays in return travel on October 9, 2018 (DFW ground stop), and illness on October 3, 2018;
 - f. The undersigned appeared for the State in four 9th Judicial Circuit PCR matters in Moncks Corner, South Carolina on October 1, 2018, before the Honorable Michael G. Nettles;

- i. The undersigned served as second chair providing direct supervision to Assistant Attorney General Benjamin Limbaugh on a fifth;
- g. The undersigned submitted a proposed Order of Dismissal to the Honorable Brooks P. Goldsmith in Hector J. Cases Vazquez v. State (2015-CP-26-04185) on September 26, 2018;
- h. The undersigned submitted a proposed Order of Dismissal to the Honorable Brooks P. Goldsmith in Miguel A. Garcia v. State (2015-CP-26-06311) on September 25, 2018;
- i. The undersigned submitted a proposed Order of Dismissal to the Honorable Brooks P. Goldsmith in Christopher E. Smith v. State (2015-CP-26-04185) on September 25, 2018;
- j. The undersigned filed a return to petition for writ of certiorari in George Cousins v. State (2017-002630) on September 21, 2018;
- k. The undersigned filed a brief of respondent in Michael Tompai v. State (2016-001820) on September 20, 2018;
- l. The South Carolina Attorney General's Office was closed due to Hurricane Florence from September 11, 2018 through September 16, 2018;
- m. The undersigned remained committed throughout the week of September 10, 2018, 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 September 16, 2018, due to the threat of worsening flooding from Hurricane Florence;
- n. The undersigned filed a return to petition for writ of certiorari in Dayton Frinks v. State (2017-001778) on September 10, 2018;

- o. 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
- p. 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;
- q. 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;
- r. The undersigned filed a return to petition for writ of certiorari in Robbie Bufkin v. State (2018-000053) on September 5, 2018;
- s. The undersigned filed a petition for writ of certiorari in Breyon Toney v. State (2018-000184) on September 5, 2018;
- t. 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;
- u. 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;
- v. 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;
- w. The undersigned filed a brief of petitioner in Eugene Gardner v. State (2017-000881) on August 31, 2018;

- x. The undersigned filed a return to petition for writ of certiorari in Stefano Brooks v. State (2017-001615) on August 28, 2018;
- y. 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;
- z. 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;
- aa. 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;
- bb. 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;
- cc. 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;
- dd. The undersigned filed a return to petition for writ of certiorari in Michael A. Livingston (2017-001739) on August 9, 2018;
- ee. 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;
- ff. The undersigned filed a petition for writ of certiorari in Jimmy Lee Sessions v. State (2018-000117) on August 6, 2018;

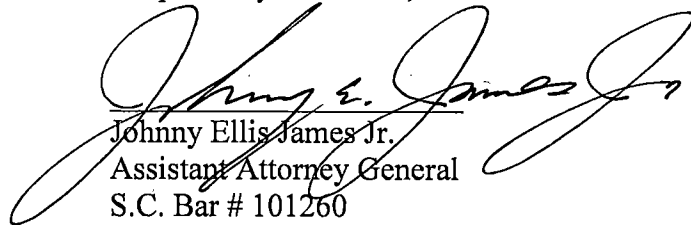
gg. The undersigned filed a petition for writ of certiorari in Christopher Stephens v. State (2018-000116) on August 6, 2018; and

hh. 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.

6. Counsel for the Petitioner consents to this request shown by attached e-mail.

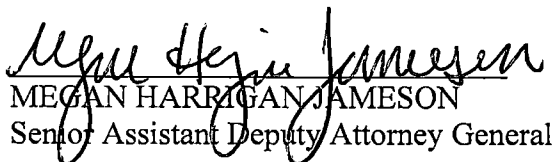
This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty (30) day extension until Friday, November 16, 2018**, or other such time 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,

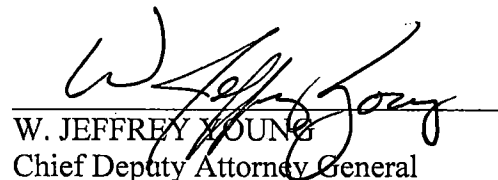


Johnny Ellis James Jr.
Assistant Attorney General
S.C. Bar # 101260
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

We concur that extraordinary circumstances have been shown



MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General



W. JEFFREY YOUNG
Chief Deputy Attorney General

This 17th day of October, 2018

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Horry County
Brooks P. Goldsmith, Circuit Court Judge

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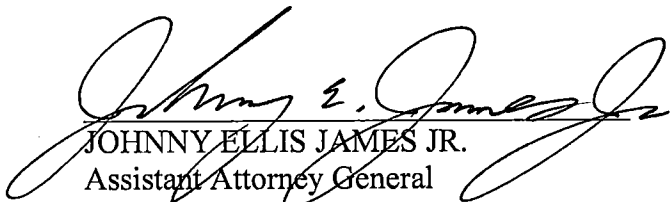
CERTIFICATE OF SERVICE

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:

Tara Dawn Shurling
Law Office of Tara Dawn Shurling, PA
3614 Landmark Drive, Suite A
Columbia, South Carolina 29204

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

This 17th day of October, 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

Johnny James

From: TDSLAW <tdslaw@shurlinglaw.com>
Sent: Tuesday, October 16, 2018 10:17 AM
To: Johnny James
Subject: Prentiss Love v. State of South Carolina Appellate Case No. 2017-001689. Confirmation of Consent to 4th Extension

Importance: High

Mr. James:

I consent to a fourth extension request in the above referenced matter.

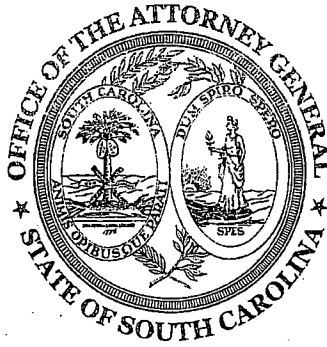
Tara Dawn Shurling
Attorney for Petitioner

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ALAN WILSON
ATTORNEY GENERAL

October 17, 2018

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OCT 17 2018

S.C. SUPREME COURT

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

Re: Prentiss W. Love v. State of South Carolina
Appellate Case No. 2017-001689
Lower Court Case No. 2015-CP-22-0209

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: Tara D. Shurling, Esquire