

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Beaufort County  
R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2017-002115

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RECEIVED  
OCT 19 2018  
S.C. SUPREME COURT

KELVIN JACKSON,

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. 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 Friday, October 19, 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 Ruston W. Neely, Esq., who transitioned from the Post-Conviction Relief division in December 2017.
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 filed a return to petition for writ of certiorari in Randal Benton v. State on October 17, 2018;
- c. The undersigned filed a return to petition for writ of certiorari in Sherman Myers v. State on October 16, 2018;
- d. The undersigned remained committed throughout the week to preparation for a term of post-conviction relief scheduled in the First Judicial Circuit for the week of October 1-5, 2018;
- e. The undersigned submitted a proposed order of dismissal in Antonio Sadler v. State (2016-CP-40-8403) to the Honorable Paul M. Burch on October 2, 2018.
- f. The undersigned filed a motion to reconsider and to alter and amend pursuant to Rule 59(e), SCRCP in the case of Maunwell Ervin v. State (2015-CP-24-1268) on Monday, October 1, 2018, a case in which undersigned filled in for an attorney who left the office.
- g. The undersigned filed a motion to reconsider and to alter and amend pursuant to Rule 59(e), SCRCP in a separate case of Maunwell Ervin v. State (2017-CP-24-0754) on Monday, October 1, 2018.
- h. The undersigned submitted a return and motion to dismiss and a conditional order of dismissal to the Honorable Perry M. Buckner, III, in Qwinton Brown v. State (2016-CP-15-1476) on September 26, 2018;
- i. The undersigned submitted a conditional order of dismissal to the Honorable

Perry M. Buckner, III, in Rodney Parker v. State (2013-CP-15-0434) on September 26, 2018;

- j. 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 **Monday, November 19, 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.

[Signatures on following page]


Respectfully submitted,



Christian Saville  
Assistant Attorney General  
S.C. Bar # 103272  
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:**

  
JOANNA K. DELANY  
Appellate Defense  
MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General  
W. JEFFREY YOUNG  
Chief Deputy Attorney General

This 19<sup>th</sup> day of October, 2018

STATE OF SOUTH CAROLINA  
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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a true copy of the **Motion for Fourth Extension to File Return to Petition for Writ of Certiorari**, has been served upon opposing counsel by mailing two (2) copies via interagency mail:


**Joanna K. Delany, Esquire**  
**South Carolina Commission on Indigent Defense**  
**Post Office Box 11589**  
**Columbia, South Carolina 29211**

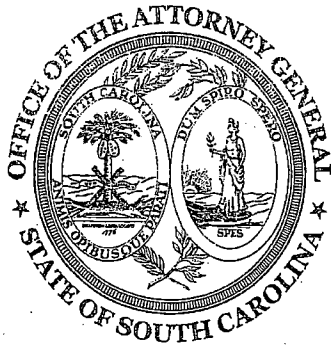
This 19<sup>th</sup> day of October, 2018

**RECEIVED**

**OCT 19 2018**

**S.C. SUPREME COURT**

  
\_\_\_\_\_  
CAROLINE COLLINS  
Administrative Coordinator



ALAN WILSON  
ATTORNEY GENERAL

October 19, 2018

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

RECEIVED  
OCT 19 2018  
S.C. SUPREME COURT

**RE: Kelvin Jackson v. State of South Carolina**  
**Appellate Case No. 2017-002115**  
**Lower Court Case No. 2016-CP-07-0399**

Dear Mr. Shearouse:

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

Sincerely,

Christian Saville  
Assistant Attorney General  
SC Bar No. 103272

CS/cc

cc: Joanna K. Delany, Esquire