

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO NEWBERRY COUNTY
Court of Common Pleas

The Honorable G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2017-001986

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S.C. SUPREME COURT

Derrick Eugene Velasquez,

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. 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 was committed to preparing for a term of post-conviction relief scheduled in the Eighth Judicial Circuit and then appeared on behalf of the State for the Eighth

Judicial Circuit's PCR term of court held in Greenwood County the week of October 15, 2018.

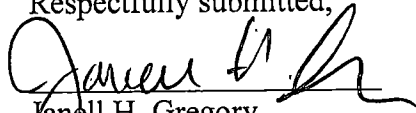
4. Counsel prepared and submitted a proposed order of dismissal in Phillip Copeland v. State (2018-CP-30-183) to the Honorable Brian Gibbons.
5. Counsel prepared and submitted a proposed order of dismissal in Randy Griffin v. State (2017-CP-24-01151) to the Honorable Brian Gibbons.
6. Counsel prepared and submitted a proposed order of dismissal in Tyronne Barker v. State (2016-CP-24-1376) to the Honorable Brian Gibbons.
7. Counsel prepared and submitted a proposed order of dismissal in Roy Smith v. State (2016-CP-24-1740) to the Honorable Brian Gibbons.
8. Counsel prepared and submitted a proposed order of dismissal in Sterling Maybin v. State (2017-CP-36-00446) to the Honorable Brian Gibbons.
9. Counsel submitted a Return to Petition for Writ of Certiorari, filed October 19, 2018, in the Appellate case no. 2017-001971, Leonard Eugene Jenkins v. State.
10. Counsel submitted a Return to Petition for Writ of Certiorari, filed October 25, 2018, in appellate case no. 2017-002508, of Kirk Willis v. State.
11. Counsel prepared and submitted a proposed order of dismissal in Adrian Keith Neal v. State (2018-CP-24-00267) to the Honorable Donald B. Hocker.
12. Counsel was committed to preparing for a term of post-conviction relief scheduled in the Sixteenth Judicial Circuit and then appeared on behalf of the State for the Sixteenth Judicial Circuit's term of court held in York County the week of November 5, 2018.
13. Counsel attended the rescheduled 2018 Solicitor's Conference in Myrtle Beach, SC from November 11-14, 2018.

This extension request is not intended for purposes of delay, but rather to ensure that the

Return is properly researched and prepared. 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 **December 17, 2018**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

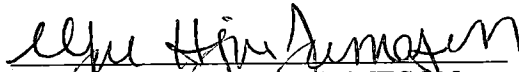
{Signatures on following page.}

Respectfully submitted,

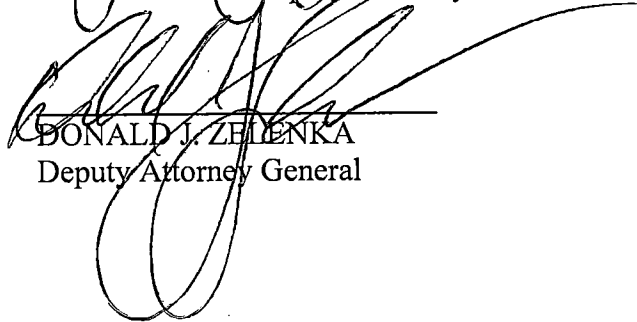


Janell H. Gregory
Assistant Attorney General
S.C. Bar # 103176
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

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




MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General



DONALD J. ZELENSKA
Deputy Attorney General

I consent:


Victor R. Seeger
Attorney for Petitioner

This 16th day of November, 2018.

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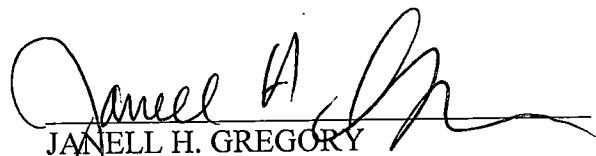
CERTIFICATE OF SERVICE

I, Janell H. Gregory, hereby certify that I have served the Motion for Fourth Extension to File the Return to Petition for Writ of Certiorari, on Petitioner by depositing a copy of same in the interagency mail, addressed to:

**Victor R. Seeger, Esquire
SC Commission on Indigent Defense – Appellate Division
Post Office Box 11589
Columbia, South Carolina 29211**

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

This 16th day of November, 2018.



JANELL H. GREGORY
Assistant Attorney General
S.C. Bar #103176
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

November 16, 2018

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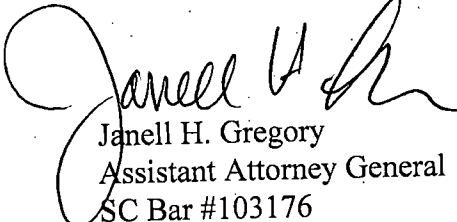
The Honorable Daniel E. Shearouse
Clerk – South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Derrick Velasquez v. State of South Carolina
Appellate Case No. 2017-001986
Lower Court Case No. 2016-CP-36-0154

Dear Mr. Shearouse:

Attached are the original and six (6) copies of the **Motion for Fourth Extension to file Return to Petition for Writ of Certiorari** in the above referenced case for filing in your office.

Sincerely,


Janell H. Gregory
Assistant Attorney General
SC Bar #103176

JHG/clw

cc: Victor R. Seeger, Esquire
Victim Advocacy Division (without enclosure)