

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari from Aiken County
R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2018-001674

RECEIVED
NOV 19 2018
S.C. SUPREME COURT

John Upson, SCDC #229134,Respondent,

v.

State of South Carolina,Petitioner.

**MOTION FOR EXTENSION OF TIME TO FILE A RETURN TO PETITION FOR
APPEAL BOND**

The State of South Carolina respectfully submits the following motion for extension of time to file a return to the petition for appeal bond, served on November 13, 2018, and received by the State on November 15, 2018:

I.

On September 17, 2018, the State filed a notice of appeal, challenging the grant of post-conviction relief to John Upson, SCDC # 229134. The State has order the transcript of the lower court proceeding and plans to file its Petition for a Writ of Certiorari and Appendix in accordance with Rule 243, SCACR, once the transcript is received.¹

¹ Undersigned counsel was not counsel of record for the State when the notice of appeal was filed and was substituted in as counsel of record for the State on October 30, 2018. Today, while preparing this motion, undersigned counsel discovered the transcript from the lower court proceeding had inadvertently not been ordered. The State immediately contracted counsel for

II.

On November 13, 2018, Mr. Upson, through counsel Tommy Thomas, filed a petition for appeal bond. According to Rule 240(e), SCACR, the State's return to this motion for an appeal bond is due to be served on or before November 26, 2018

III.

Pursuant to Rule 263, SCACR, undersigned counsel respectfully requests a ten day extension until Thursday, December 6, 2018, to serve its return to Mr. Upson's motion for an appeal bond. This extension is not intended for delay, but is to allow undersigned counsel time to prepare a meaningful response to this motion, including time to consult with the victims to ensure their position is fully and properly presented to the Court. Undersigned counsel notes the current due date for the return to the motion for the appeal bond is the first working day following the Thanksgiving holiday, and wants to be sure she is able to adequately confer with the victims in this case.

Undersigned counsel has conferred with counsel for Mr. Upson, Tommy A. Thomas, who indicated he would not oppose such motion and told undersigned counsel she could indicate his lack of opposition in said motion.

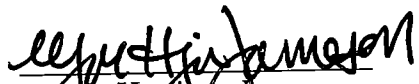
Therefore, undersigned counsel request an extension of ten days within which to serve and file the return to the petition for appeal bond until December 6, 2018.

Mr. Upson, ordered a copy of the transcript, and filed a motion for extension of time to order transcript, which was filed with this Court at the same time as this present motion.

IV.

WHEREFORE, the State respectfully requests the Court extend the due date for filing its return to the petition for appeal bond by ten days until December 6, 2018, hold the matter in abeyance pending a ruling on the State's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,



Megan Harrigan Jameson
Senior Assistant Deputy Attorney General
S.C. Bar No. 100108

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

STATE OF SOUTH CAROLINA
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John Upson, SCDC #229134, Respondent,

v.

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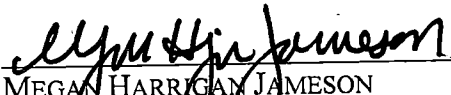
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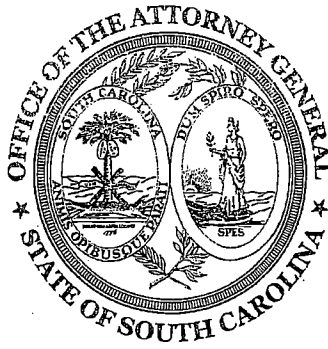
I, Megan Harrigan Jameson, certify that I have served the within **Motion for Extension of Time to Respond to the Petition for Appeal Bond** on Respondent John Upson by depositing two copies of the same in the U.S. mail to be delivered to Petitioner's counsel at the address below:

Tommy A. Thomas, Esquire
P.O. Box 88
Irmo, South Carolina 29063

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

This 19th day of November, 2018.


MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General
S.C. Bar No. 101260
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737



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NOV 19 2018

S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

November 19, 2018

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
P.O. Box 11330
Columbia, South Carolina 29211

Re: **John Upson v. State**
Appellate Case No. 2018-001674

Dear Mr. Shearouse:

Enclosed please find the original six copies of the State's Motion for Extension of Time to Respond to the Petition for Appeal Bond and the accompanying proof of service. Please let me know if I can provide anything additional on this matter.

Sincerely,

Megan Harrigan Jameson
Senior Assistant Deputy Attorney General
S.C. Bar No. 100108

cc: Tommy A. Thomas Esquire