

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County
Diane Schafer Goodstein, Circuit Court Judge

Appellate Case No. 2017-001610

RECEIVED

DEC 17 2018

S.C. SUPREME COURT

James Whaley,

Petitioner,

v.

State of South Carolina,

Respondent.

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

Respondent, the State, moves before this Court for an additional thirty day extension of time in which to file the Return to Petition for Writ of Certiorari and Brief of Respondent, up to and including January 17, 2019. 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 and Brief of Respondent are due to be filed with the Court today. The Court has granted Respondent three previous extensions. The Court has granted undersigned counsel one previous extension.
2. This is the fourth request for an extension of time in which to file a response.
3. Counsel appeared on behalf of the State at a PCR term in Florence County the week of

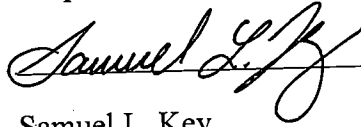
November 5, 2018, and is currently drafting orders for the cases heard during this term.

4. Counsel appeared on behalf of the State at hearings in Sumter County on November 15–16, 2018.
5. Counsel filed with this Court a Brief of Respondent in *Chavis Aikman v. State* (App. Case No. 2017-002295), which was on its fourth extension, today December 17, 2018.
6. Counsel filed with this Court a Return to Petition for a Writ of Certiorari in *Jerome Campbell v. State* (App. Case No. 2018-000464), which was on its fourth extension, today December 17, 2018.
7. Counsel filed with this Court a Return to Petition for a Writ of Certiorari in *Vernon Goodwin v. State* (App. Case No. 2018-000968), which was on its third extension, today December 17, 2018.

This extension request is not intended for purposes of delay, but rather to ensure that the Return and Brief are properly researched and prepared. The undersigned is currently working on the Return and Brief and hopes to have them completed shortly. The undersigned therefore requests an extension of time within which to serve and file the Return and Brief. THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty-day extension until Thursday, January 17, 2019**, in which to complete and file the Return to Petition for Writ of Certiorari and Brief of Respondent in this case based upon the above exigent circumstances. Counsel for Petitioner consents to this request, as indicated by his signature below.

{Signatures on following page.}

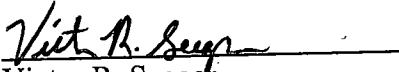
Respectfully submitted,



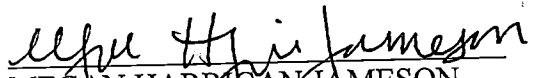
Samuel L. Key
Assistant Attorney General
S.C. Bar # 103206
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

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

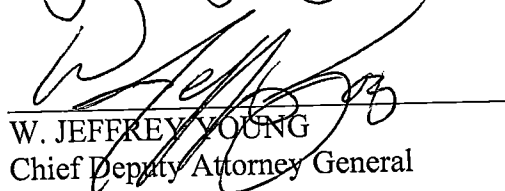
I consent:



Victor R. Seeger
Attorney for Petitioner



MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General



W. JEFFREY YOUNG
Chief Deputy Attorney General

This 17th day of December, 2018.

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO AIKEN COUNTY
Court of Common Pleas

Honorable Diane Schafer Goodstein, Circuit Court Judge

Appellate Case No. 2017-001610

James Whaley, Petitioner,

v.

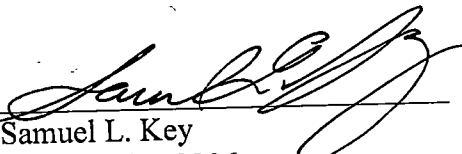
State of South Carolina, Respondent.

CERTIFICATE OF SERVICE

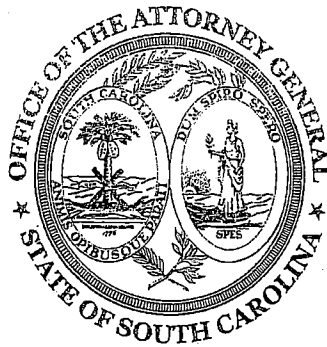
I, Samuel L. Key, certify that I have today served the within **Motion for Fourth Extension to File Return to Petition for Writ of Certiorari and Brief of Respondent** upon Appellant by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Victor R. Seeger, Esquire
S.C. Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29211

This 17th day of December, 2018.



Samuel L. Key
S.C. Bar # 103206
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

DEC 17 2018

S.C. SUPREME COURT

December 17, 2018

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

Re: James Whaley v. State of South Carolina
Appellate Case No.: 2017-001610
Lower Court Case: 2015-CP-02-1381

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the **Motion for Fourth Extension to Serve and File the Return to Petition for Writ of Certiorari and Brief of Respondent**, in the above matter for filing in your office. By copy of this letter, I am serving opposing counsel with this Motion today.

Sincerely,

Samuel L. Key
Assistant Attorney General
SC Bar # 103206

SLK/ks
Enclosures

cc: Victor R. Seeger, Esquire