

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Berkeley County
The Honorable Michael G. Nettles, Circuit Court Judge

Appellate Case No. 2017-002373

RECEIVED

DEC 17 2018

S.C. SUPREME COURT

Jeffrey Michaelson,

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 day extension of time in which to file the Return to Petition for Writ of Certiorari, up to and including January 16, 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:

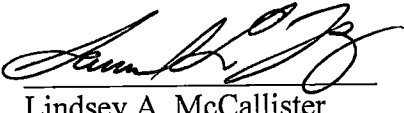
1. The Return to Petition for Writ of Certiorari is due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. This is the fourth request for an extension of time in which to file a response.
3. Counsel appeared on behalf of the State at a PCR hearing in Kershaw County on November 28, 2018. Counsel also appeared on behalf of the State at a week-long PCR term in Richland County the week of December 3, 2018 and is currently drafting orders for the cases heard during this term.

4. Counsel is appearing on behalf of the State on December 17 and 18, 2018, for PCR hearings in Richland County which required significant preparation.
5. Over the past few weeks, Counsel has filed Returns to Petition for Writ of Certiorari in the following cases: Steven Lee Morgan v. State (2018-000151), Jerome Noone v. State (2018-00095) and Dominique Cash v. State (2017-001820).

This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The undersigned is currently working on the Return and hopes to have it completed shortly. 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 **Wednesday, January 16, 2019**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances. Counsel for Petitioner consents to this request, as indicated by her signature below.

{Signatures on following page.}

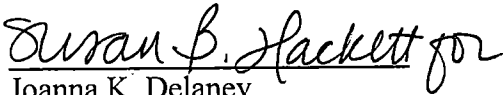
Respectfully submitted,

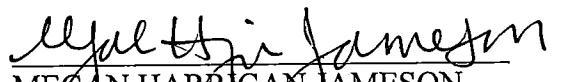
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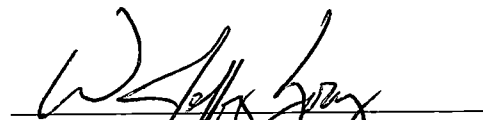
Lindsey A. McCallister
Assistant Attorney General
S.C. Bar # 79054
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

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

I consent:


Joanna K. Delaney
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 BERKELEY COUNTY
Court of Common Pleas

The Honorable Michael G. Nettles, Circuit Court Judge

Appellate Case No.: 2017-002373

JEFFREY MICHAELSON,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

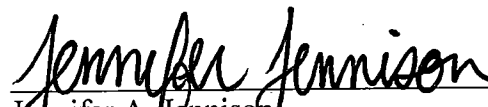
Respondent.

CERTIFICATE OF SERVICE

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 the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

Joanna K. Delany, Esquire
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211-1589

This 17th day of December, 2018.



Jennifer A. Jennison
Legal Assistant for Petitioner



ALAN WILSON
ATTORNEY GENERAL

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S.C. SUPREME COURT

December 17, 2018

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

RE: Jeffrey Michaelson v. State of South Carolina
Appellate Case No.: 2018-000464

Dear Mr. Shearouse:

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

Sincerely,

Lindsey A. McCallister
Assistant Attorney General

LAM/jaj
Enclosures

cc: Joanna K. Delany, Esquire (w/enclosure)