

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Writ of Certiorari to the Court of Appeals
Appeal from Charleston County
Honorable Michael G. Nettles, Circuit Court Judge
Appellate Case No. 2018-000439

GERALD EDWARDS,

Petitioner,

vs.

THE STATE,

Respondent.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE RETURN TO PETITION FOR WRIT OF CERTIORARI
AND BRIEF OF RESPONDENT PURSUANT TO WHITE V. STATE**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Return to Petition for Writ of Certiorari and Brief of Respondent Pursuant to White v. State are due to be served and filed on January 22, 2019.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **fourth** extension in the above-referenced case and asks for an additional thirty days to complete the return and brief in this case. In the past few weeks, the

undersigned counsel has participated in oral argument at the Supreme Court in Conrad Lamont Slocumb v. State; has participated in oral argument at the Court of Appeals in State v. James Bubba Patterson, State v. Joseph Bowers, State v. Jacob M. Hendrix, State v. Stacy Carol Riden, State v. Aaron Van Hendrix, and State v. Maurice Marshall Harris; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Ontavious Derenta Plumer, State v. Christian Arenson Scowcroft, State v. Melvin Fourney, Sr., and State v. Darell Oneil Boston; has submitted an Initial Reply Brief of Appellant to the Court of Appeals in State v. Adam Keith Lunsford; has submitted a Petition for Writ of Certiorari to the Supreme Court in State v. James Archie Crews, IV; has submitted a Return to Petition for Writ of Certiorari to the Supreme Court in State v. Corey Andrew Brown and State v. Benjamin Cervantes Hernandez; and has submitted a second Return to Petition for Rehearing to the Court of Appeals in State v. Benjamin Cervantes Hernandez.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The return and brief in the above-referenced case have required significant research because the case involves an important direct appeal issue related to the propriety of the petitioner's waiver of his right to counsel prior to trial. The undersigned counsel is currently working on the return and brief in this case and intends to have them finished in a timely manner. However, the undersigned counsel has not yet been able to finish the return and brief. Accordingly, in order to ensure the return and brief are properly researched and prepared, I would therefore request an extension of time within which to serve and file the return and brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari and Brief of Respondent Pursuant to White v. State in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

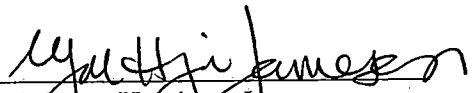
ALAN WILSON
Attorney General

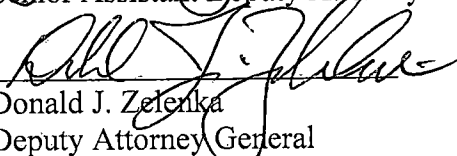
MARK R. FARTHING
Assistant Attorney General

By: 
Mark R. Farthing

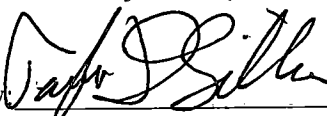
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

I have reviewed and approved this extension request.

By: 
Megan Harrigan Jameson
Senior Assistant Deputy Attorney General

By: 
Donald J. Zelenka
Deputy Attorney General

I have no objections to this extension request.

By: 
Taylor D. Gilliam
Counsel for Petitioner

January 22, 2019

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PROOF OF SERVICE

I, Jennifer Jennison, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari and Brief of Respondent Pursuant to White v. State on Petitioner by sending two copies of the same to:

Taylor D. Gilliam, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 22nd day of January, 2019.


JENNIFER JENNISON
Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



RECEIVED

JAN 22 2019

S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

January 22, 2019

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

RE: Gerald Edwards v. State – Appellate Case No. 2018-000439

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the Motion for Fourth Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari and Brief of Respondent Pursuant to White v. State, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: Taylor D. Gilliam, Esquire
Victim Advocacy Division