

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Colleton County  
Court of Common Pleas  
The Honorable Edgar W. Dickson, Circuit Court Judge

\_\_\_\_\_  
Appellate Case No. 2016-002385  
\_\_\_\_\_

DERRICK FISHBURNE,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

\_\_\_\_\_  
**MOTION FOR FOURTH EXTENSION TO FILE**

**BRIEF OF RESPONDENT**  
\_\_\_\_\_

Respondent, the State, moves this Court for an additional thirty day extension of time in which to file the Brief of Respondent up to and including February 4, 2019. This is Respondent's fourth request for an extension of time in which to file the Brief. In support of the request, undersigned counsel would respectfully show the Court:

1. The Brief of Respondent is due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. The Undersigned just finished a PCR term of Court in the 9th Judicial Circuit for the week of January 22nd through January 25th.

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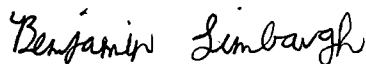
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S.C. SUPREME COURT

3. The Undersigned Counsel was added as counsel of record for the case within the last two weeks and needs time to adequately review the matter.
4. The Undersigned Counsel has recently taken on the caseload of two additional circuits with the recent departure of Christian Saville, Esquire.
5. This is the fourth request for an extension of time in which to file a response.

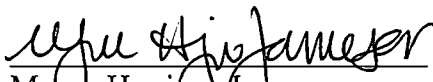
THEREFORE, undersigned counsel for Respondent respectfully requests a fourth and final thirty (30) day extension until February 4, 2019, in which to complete and file the Brief of Respondent in this case based upon the above exigent circumstances. Counsel for Petitioner, Tristan Shaffer, has consented via the attached email correspondence.

Respectfully submitted,

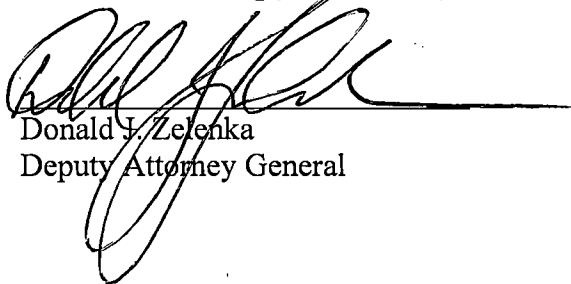


Benjamin Limbaugh  
Assistant Attorney General  
S.C. Bar# 10334  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-4124  
Attorney for Respondent

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



Megan Harrigan Jameson  
Senior Assistant Deputy Attorney General



Donald J. Zelenka  
Deputy Attorney General

## Benjamin Limbaugh

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**From:** Tristan Shaffer <tristan@shafferlawsc.com>  
**Sent:** Monday, February 4, 2019 11:12 AM  
**To:** Benjamin Limbaugh  
**Subject:** Re: Derrick Fishburne (2016-002385)

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Sure

Sent from my iPhone

S.C. SUPREME COURT

On Feb 4, 2019, at 11:06 AM, Benjamin Limbaugh <[BLimbaugh@scag.gov](mailto:BLimbaugh@scag.gov)> wrote:

Good Morning,

I hope this finds you well. I have recently been assigned this case due to the departure of Christian Saville from our office. Would you consent to a fourth extension? I now have all of his previous cases and was only informed of this matter late Friday afternoon. I would greatly appreciate it.

Thank you,

<image001.jpg>

**Benjamin Limbaugh**  
**A.A.G.**  
**Post-Conviction Relief**  
**Section**

**S.C. Attorney General's**  
**Office**  
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1000 Assembly St.  
Columbia, SC 29201  
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[blimbaugh@scag.gov](mailto:blimbaugh@scag.gov)



ALAN WILSON  
ATTORNEY GENERAL

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S.C. SUPREME COURT

February 4, 2019

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

**Re: Derrick Fishburne v. State of South Carolina**  
**Appellate Case No. 2016-002385**  
**Lower Court Case No. 2012-CP-15-0814**

Dear Mr. Shearouse:

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

Sincerely,

*Benjamin Limbaugh*

Benjamin Limbaugh  
Assistant Attorney General  
SC Bar #103334

BL/trb

cc: Tristan M. Shaffer, Esquire