

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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MAR 18 2019

CERTIORARI TO CHARLESTON COUNTY
The Honorable Deadra L. Jefferson, Trial Judge
The Honorable Maite Murphy, Post-Conviction Relief Judge

S.C. SUPREME COURT

Appellate Case No: 2018-000738

JOHNNY BROWN,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE THE 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 the Petition for Writ of Certiorari and Brief of Respondent pursuant to White v. State are due to be served and filed today, March 18, 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, Respondent moves for a **fourth** extension in the above-referenced post-conviction relief appeal and asks for an additional thirty days to complete the return to the petition and brief in this case due to an extraordinarily heavy workload. Undersigned counsel, in addition to her own

caseload, is the supervisor of the post-conviction relief unit, which requires undersigned counsel to devote a substantial amount of time to her supervisory duties. Since mid-January of this year, the post-conviction relief unit has lost five Assistant Attorneys General (approximately fifty percent of our attorney staff), which has required undersigned counsel to handle an extraordinary amount of duties and caseload beyond her standard workload. Undersigned counsel has spent significant time training two newly-hired new Assistant Attorneys General who have joined the unit. Additionally, undersigned counsel has been significantly assisting with the workload for the three vacant positions.

Additionally, over the past two months, undersigned counsel has appeared for post-conviction relief hearings in the Second Circuit, the Fifth Circuit, the Seventh Circuit, the Eighth Circuit, the Eleventh Circuit, and the Thirteenth Circuit. In the upcoming two weeks, undersigned counsel will appear for hearings in the Third Circuit, the Fifth Circuit, and the Eleventh Circuit. Undersigned counsel has spent and will spend a significant period of time preparing for these hearings.

Undersigned counsel has also drafted numerous circuit court pleadings in various circuits, ranging from returns, motions, and proposed orders. Undersigned counsel has also drafted numerous appellate pleadings, including a Petition for Writ of Certiorari in Allen Stone v. State and a motion to dismiss in Isaac Starke v. State.

Undersigned counsel has also been responsible for her remaining criminal appeals caseload, and over the past two months, has filed a Brief of Respondent in State v. Terry Williams with this Court and a petition for rehearing and motion to depublish in State v. John Massey with the Court of Appeals.

As evidenced above, this extension request is not intended for any delay, but is due to undersigned counsel's extraordinarily heavy workload.

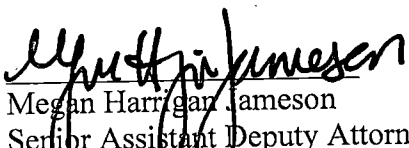
III.

This extension request is not intended for purposes of delay, but rather to ensure that the return to the petition for a writ of certiorari and brief are properly researched and prepared. The return to the petition for a writ of certiorari and brief in the above case has required significant research because the case involves significant issues on appeal, including both post-conviction relief issues and direct appeal issues. The undersigned is currently working on the return to the petition for a writ of certiorari and brief in this case and hopes to have it completed in a timely manner. Therefore, undersigned counsel request an extension of time within which to serve and file the return and brief.

Undersigned counsel has conferred with counsel for Petitioner, Deputy Chief Appellate Defender Wanda H. Carter, who has consented to this extension request as evidenced by her signature below.

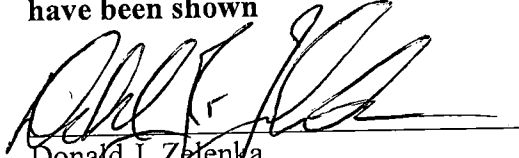
WHEREFORE, Respondent prays the Court extend the deadline for the service and filing of the Return to the Petition for Writ of Certiorari and Brief of Respondent Pursuant to White v. State in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling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

Respectfully submitted,

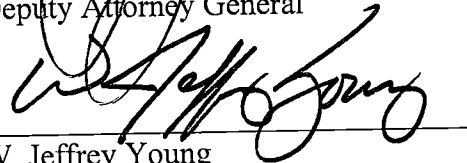

Megan Harrigan Jameson
Senior Assistant Deputy Attorney General
S.C. Bar No. 100108

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

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



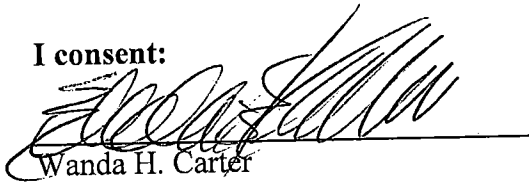
Donald J. Zelenka
Deputy Attorney General



W. Jeffrey Young
Chief Deputy Attorney General

This 18th day of March, 2019.

I consent:



Wanda H. Carter
Chief Deputy Appellate Defender

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO CHARLESTON COUNTY
The Honorable Deadra L. Jefferson, Trial Judge
The Honorable Maite Murphy, Post-Conviction Relief Judge

Appellate Case No: 2018-000738

JOHNNY BROWN,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,


RESPONDENT.

CERTIFICATE OF SERVICE

I, Megan Harrigan Jameson, hereby certify that I have served the Motion for Fourth Extension to file the Return to the Petition for Writ of Certiorari and Brief of Respondent Pursuant to White v. State, on Petitioner by depositing a copy of same in the interagency mail, addressed to:

Chief Deputy Appellate Defender Wanda H. Carter
SC Commission of Indigent Defense
Post Office Box 11589
Columbia, SC 29201

I further certify that all parties required by Rule to be served have been served.
This 18th day of March, 2019.



Megan Harrigan Jameson
Senior Assistant Deputy Attorney General
S.C. Bar # 100108
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
ATTORNEY FOR RESPONDENT



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MAR 18 2019

S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

March 18, 2019

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

RE: Johnny Brown v. State of South Carolina
Appellate Case No.: 2018-000738

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 the Return to Petition for Writ of Certiorari and Brief of Respondent Pursuant to White v. State, in the above matter for filing in your office. By copy of this letter I am serving opposing counsel with this motion today.

Sincerely,

Megan Harrigan Jameson
Senior Assistant Deputy Attorney General

MHJ/jaj
Enclosures

cc: Wanda H. Carter, Esquire (w/enclosure)