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APR 17 2019
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County
Hon. J. Cordell Maddox, Circuit Court Judge
Appellate Case Tracking No. 2018-001115

Antonio Ochoa-Tavera,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION FOR SECOND EXTENSION
WITHIN WHICH TO SERVE AND FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

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

I.

The Return to Petition for Writ of Certiorari is due to be served and filed on April 10, 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 **second** extension in the above-referenced post-conviction relief appeal and asks for an additional thirty days to complete the Return in this case. In the past few weeks, the undersigned counsel has participated in oral argument before the Court of Appeals in State v. Jamie Lee Simpson and State v. Tony Latrell Kinard, participated in oral argument

before the Supreme Court in State v. Sean Robert Kelly, submitted a Return to Petition for Writ of Certiorari in State v. Timothy Oertel, Dominique Shumate v. State, and David W. Chiles, Jr. v. State, submitted a Brief of Respondent in State v. Jamal Marquis Daniels, and submitted a Final Brief of Respondent in State v. Brendan P. Furthermore, the undersigned has been on a leave of absence following the birth of a child.


WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari 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

WILLIAM M. BLITCH, JR.
Assistant Attorney General

By: 

 William M. Blich, Jr.
SC Bar No. 15608

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

April 17, 2019

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Antonio Ochoa-Tavera,

Petitioner,

v.

State of South Carolina,

Respondent.

PROOF OF SERVICE

I, Judy A.C. Carey, certify that I have served the Motion for Second Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari on Petitioner by depositing a copy of the same in inter-agency mail and addressed to:

**Lara M. Caudy, Esquire
SC Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia SC 29211-1589**

I further certify that all parties required by Rule to be served have been served.

This 17th day of April, 2019.



JUDY A.C. CAREY

Legal Assistant

Office of Attorney General

Post Office Box 11549

Columbia, South Carolina 29211

(803) 734-3737



ALAN WILSON
ATTORNEY GENERAL

April 17, 2019

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

Re: Antonio Ochoa-Tavera v. State of South Carolina
Appellate Case No. 2018-001115
Lower Court Case No. 2015-CP-23-4441

Dear Mr. Shearouse:

Attached are the original and six (6) copies of the Motion for Extension to file Return Petition for Writ of Certiorari in the above referenced case for filing in your office.

Sincerely,

For William M. Blich
Assistant Attorney General
SC Bar #15608

cc: Lara M. Caudy, Esquire

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