

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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

RECEIVED

JUN 12 2019

S.C. SUPREME COURT

Antonio Ochoa-Tavera,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION FOR FOURTH 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 June 12, 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 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 this Court in State v. Pradubsri, State v. McCall, and State v. Moore. Additionally, the undersigned is preparing for

oral argument in State v. Cotton. Further, the undersigned completed a brief in State v. Brewer, a Petition for Rehearing in State v. Hamrick, and Returns to Petition for Writ of Certiorari in Cobb v. State, Lopez v. State, Gorman v. State, and Foster v. State. Finally, the undersigned was out of town presenting at the South Carolina Summary Court Judge's Association seminar.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances, including the significant work in other cases as well as the undersigned's recent time off for the birth of his son, and is not intended for purposes of delay. The undersigned counsel is currently working on the Return in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Return. Accordingly, in order to ensure the Return is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Return.

IV.


Before filing this extension request, the undersigned consulted with counsel for Petitioner about the matter, and counsel for Petitioner has graciously indicated she has no objections to the State's request for an additional extension.

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,

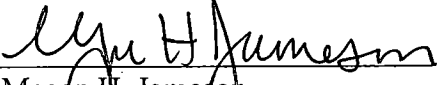
ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General

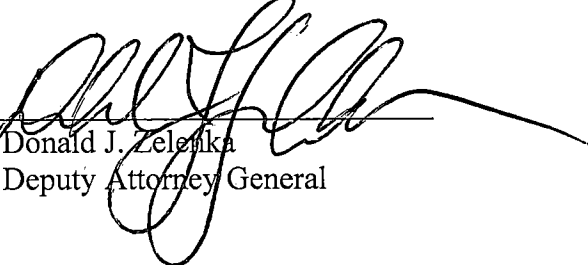
By: 

William M. Blich, Jr.
SC Bar No. 15608
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

We have reviewed and approved this extension request.

By: 

Megan H. Jameson
Senior Assistant Deputy Attorney General

By: 

Donald J. Zeleznka
Deputy Attorney General

June 12, 2019

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PROOF OF SERVICE

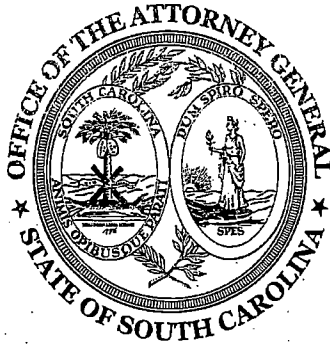
I, Judy A.C. Carey, certify that I have served the Motion for Fourth Extension of Time Within Which to Serve and File Return to Petition for Writ of Certiorari on Petitioner by depositing a copy of same in the United States mail, postage prepaid, addressed to:

**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 12th day of June, 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

June 12, 2019

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JUN 12 2019

S.C. SUPREME COURT

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 Fourth Extension to file Return Petition for Writ of Certiorari** in the above referenced case for filing in your office.

Sincerely,

William M. Blich
Assistant Attorney General
SC Bar #15608

cc: Lara M. Caudy, Esquire
Victim Advocacy Division (without enclosure)