

STATE OF SOUTH CAROLINA  
In the Court of Appeals

CERTIORARI TO SPARTANBURG COUNTY  
Court of Common Pleas  
Robin B. Stilwell, Circuit Court Judge

**RECEIVED**  
JUL 08 2019  
SC Court of Appeals

Appellate Case No. 2017-001570

John Willie Mack, Sr.,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION OUT OF TIME FOR EXTENSION TO FILE  
BRIEF OF RESPONDENT**

Respondent, the State, moves this Court accept out of time a single request for thirty (30) days from the date of this filing in which to file the Brief of Respondent, up to and including Monday, August 5, 2019. This would constitute Respondent's third and *final* request for an extension of time. Respondent intended to and believed he had so requested in a timely fashion last week, but a calendaring error and the mid-week holiday provided for unexpected confusion. This request is not intended to cause undue delay, but is required due to an exceedingly heavy caseload and in order to ensure the Brief of Respondent is properly researched and prepared. An inventory of recent labors can be provided upon the request of the Court, but due to the lateness of the hour, the undersigned respectfully omits as much at this time in order to ensure the filing is submitted before the Court's closure today. Counsel for the Petitioner consents to this request as shown by the attached e-mail.

THEREFORE, undersigned counsel for Respondent respectfully requests this Court relax

## Johnny James

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**From:** Saxon, Jessica <[jsaxon@sccid.sc.gov](mailto:jsaxon@sccid.sc.gov)>  
**Sent:** Monday, July 8, 2019 4:37 PM  
**To:** Johnny James  
**Subject:** RE: [External] John Willie Mack v. State

Good Afternoon Mr. James,

I have no objection to you taking the third and final extension in the referenced case. Have a great day.

Regards,

Jessica M. Saxon  
Assistant Appellate Defender  
SC Commission on Indigent Defense  
1330 Lady Street, Suite 401  
P.O. Box 11589  
Columbia, SC 29201  
Office: 803-734-1330

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**From:** Johnny James <[JJJames@scag.gov](mailto:JJJames@scag.gov)>  
**Sent:** Monday, July 8, 2019 4:34 PM  
**To:** Saxon, Jessica <[jsaxon@sccid.sc.gov](mailto:jsaxon@sccid.sc.gov)>  
**Subject:** [External] John Willie Mack v. State

Ms. Saxon,

Thank you for speaking with me just now. If you could please confirm you have no objection to my taking a third, and most definitely final, extension on the matter of John Willie Mack v. State, App. Case No. 2017-001570, I would greatly appreciate it.

Kind regards,



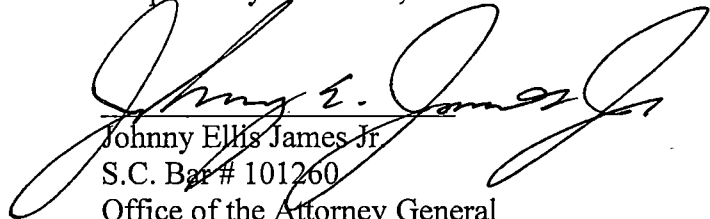
**Johnny Ellis James Jr.**  
Assistant Attorney General  
Post-Conviction Relief Section  
4<sup>th</sup>, 7<sup>th</sup>, and 15<sup>th</sup> Judicial Circuits

S.C. Attorney General's Office  
Rembert C. Dennis Building  
1000 Assembly St.  
Columbia, SC 29201

Office: (803) 734-3737  
[jjames@scag.gov](mailto:jjames@scag.gov)

the rules to permit filing of this motion and thereby grant a **third and FINAL extension** until **Monday, August 5, 2019**, or other such time the Court deems appropriate, in which to complete and file the Brief of Respondent in this case based upon the above circumstances.

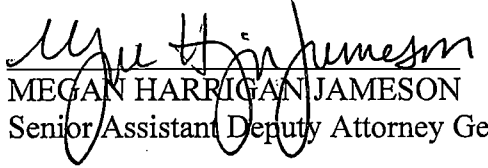
Respectfully submitted,



Johnny Ellis James Jr.  
S.C. Bar # 101260  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737  
Attorney for Respondent

In compliance with:

*In Re: Extensions in Criminal and Post-Conviction Relief Cases, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).*



MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

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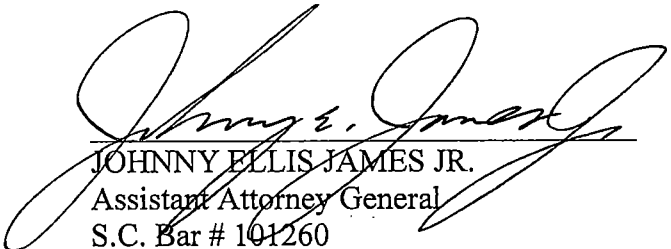
**CERTIFICATE OF SERVICE**

I, Johnny Ellis James Jr., hereby certify that I have served the Motion Out of Time for Extension to File Brief of Respondent, on Petitioner by hand delivery to:

**Jessica M. Saxon**  
**South Carolina Commission on Indigent Defense**  
**P.O. Box 11589**  
**Columbia, South Carolina 29211-1589**

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

This 8<sup>th</sup> day of July, 2019



JOHNNY ELLIS JAMES JR.  
Assistant Attorney General  
S.C. Bar # 101260  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737

ATTORNEY FOR RESPONDENT