

STATE OF SOUTH CAROLINA
In The Supreme Court

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SEP 23 2019

S.C. SUPREME COURT

CERTIORARI TO SPARTANBURG COUNTY
Court of Common Pleas

The Honorable G. Thomas Cooper, Circuit Court Judge

Appellate Case No. 2019-000289

Shondre Williams,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION FOR FOURTH EXTENSION TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondent, the State, moves this Court for an additional thirty-day extension of time in which to file the Return to Petition for Writ of Certiorari, up to and including **Wednesday, October 23, 2019**. This is Respondent's fourth request for an extension of time in which to file the return. In support of the request, undersigned counsel would respectfully show the Court:

1. The Return to Petition for Writ of Certiorari is due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. This is the fourth request for an extension of time in which to file a response.
3. On September 16, 2019, while drafting this Return, Counsel discovered

relevant portions of the trial transcript were missing from the Appendix.¹

4. On September 17, 2019, Counsel notified Petitioner's counsel that relevant portions of the trial transcript were missing in the Appendix. Thereafter, Counsel requested Petitioner's counsel to consent to a motion supplement or amend the Appendix. Counsel further requested consent to relax time requirements until the Appendix was appropriately supplemented or amended.

5. On September 20, 2019, Counsel drafted a motion to compel Petitioner's Counsel to amend the Appendix to properly include the entire trial transcript.

6. On September 23, 2019, Counsel filed the motion to compel Petitioner's counsel to appropriately amend this Appendix.

7. Counsel represented Respondent in post-conviction proceedings on August 21, 2019 in Chesterfield County.

8. Thereafter, Counsel drafted substantive proposed orders in the following bench trials from that term: 1) Thomas Stewart v. State (2017-CP-13-00776); and 2) William Pegues v. State (2017-CP-13-00252).

9. Over the past month, Counsel has also drafted and submitted substantive proposed orders in the following cases from other terms: 1) Timothy Wright v. State (2018-CP-10-0599); 2) Antonio Simmons v. State (2018-CP-10-4505); 3) Tyrel Collins v. State (2018-CP-10-1611); 4) Jeremy Knight v. State (2005-CP-42-00520); and 5) John H. Bridges v. State (2014-CP-17-0171).

10. Throughout the week of August 26, 2019, Counsel drafted and submitted all

¹ Respondent notes that South Carolina Appellate Rule 243 requires the lower court record to be included. The lower court record included the trial transcript in its record. This Appendix is missing the following pages: 199-222; 242-54; 265-73; 295-99; 302-9; 326-51; 354-6. These matters are relevant to the appeal.

relevant roster documents to the circuit court, and other interested parties, for his upcoming post-conviction relief term at the Spartanburg County Courthouse that begins October 7th.

11. On September 9, 2019, Counsel drafted and submitted a motion to reverse and remand another case before this Court: Hector Vazquez v. State (Case No. 2018-001912).

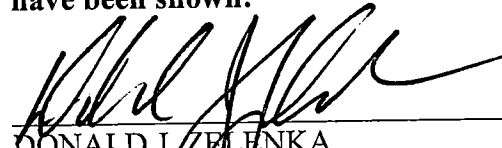
This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The undersigned is currently working on the Return and hopes to have it completed shortly. The undersigned therefore requests an extension of time within which to serve and file the Return. THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty-day extension until Wednesday, October 23, 2019**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,

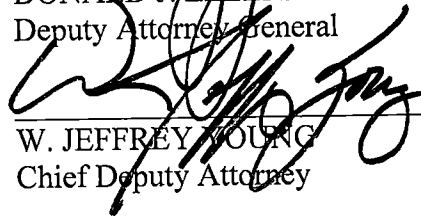


Jacob A. Isenberg
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(803) 734-4276
Attorney for Respondent

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



DONALD J. ZELENSKA
Deputy Attorney General



W. JEFFREY YOUNG
Chief Deputy Attorney

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STATE OF SOUTH CAROLINA,


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Motion for Fourth Extension of Time to File the Return** has been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

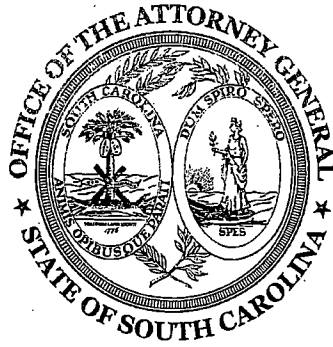
Elizabeth Franklin- Best, Esquire
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211-1589

This 23rd day of September, 2019.



Eva D. Cook
Legal Assistant for Petitioner

17.00



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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

September 23, 2019

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

RE: Shondre Williams v. State of South Carolina
Appellate Case No.: 2019-000289

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the Motion for Fourth Extension of Time to File the Return, in the above matter for filing in your office. By copy of this letter I am serving opposing counsel with this motion today.

Sincerely,

Jacob A. Isenberg
Assistant Attorney General

JAI/ec
Enclosures

cc: Elizabeth A. Franklin-Best, Esquire (w/enclosure)