

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2018-001898

RECEIVED
OCT 16 2019
S.C. SUPREME COURT

Sammy Lee Scarborough,

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 (30) day extension of time in which to file the Return to Petition for Writ of Certiorari. This is Respondent's fourth request for an extension of time in which to file the petition. 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 on Wednesday, October 16, 2019. The Court has granted Respondent three previous extensions.
2. This is the fourth request for an extension of time in which to file a response.
3. Respondent is unable to complete the return to petition for writ of certiorari pursuant to Austin v. State, due to an extremely heavy workload, in addition to severe disruptions this week, to wit:

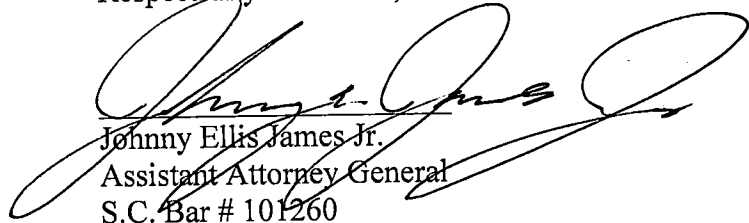
- a. Counsel was in Court in Georgetown and Conway, South Carolina, the entirety of the week of October 7-11, 2019, attending to a term of post-conviction relief before the Honorable William H. Seals, Jr.;
- b. Counsel during that term discovered that his laptop was suffering a severe hardware failure in the form of a swollen battery, such that it had to be surrendered to the Information Technology division of the South Carolina Attorney General's Office late in the afternoon on Monday, October 14, 2019;
- c. Counsel attended to matters before the State Grand Jury on Tuesday, October 15, 2019;
- d. Counsel was provided a new laptop and completed setup of the machine today, Wednesday, October 16, 2019;
- e. While rapidly working on completing drafts of returns for the present matter as well as Christopher Hampton v. State, and subsequent to a precautionary inquiry for consent from opposing counsel, Counsel discovered multiple voicemails from his mother indicating she has suffered a suspected **stroke** and is being transported to a local hospital;
- f. Counsel's ability to maintain focus upon the subject case and complete the filing today is now emotionally foreclosed;
- g. Additionally, Counsel has committed the previous three months to an extraordinary workload of matters arising out of the 4th, 5th, 7th, and 15th Judicial Circuits, including no less than four appellate filings in the last month or so.
Greater specificity can be provided upon request.

4. Counsel for the Petitioner consents to this request shown by attached e-mail.

This extension request is not intended for purposes of delay, but rather to ensure that the

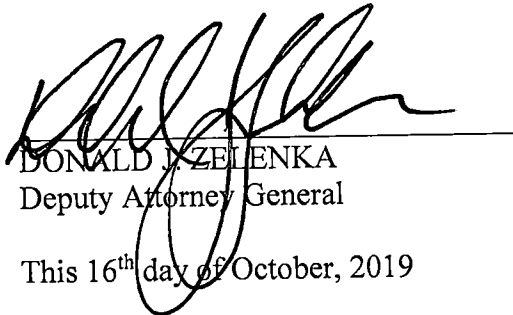
return is properly researched and prepared, and not unnecessarily burdened by the personal emotional excess of the drafter. THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty (30) day extension** until **Friday, November 15, 2019**, or other such time the Court deems appropriate, 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,



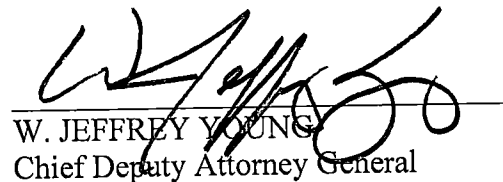
Johnny Ellis James Jr.
Assistant Attorney General
S.C. Bar # 101260
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737
Attorney for Respondent

We concur that extraordinary circumstances have been shown



DONALD J. ZELENKA
Deputy Attorney General

This 16th day of October, 2019



W. JEFFREY YOUNG
Chief Deputy Attorney General

Johnny James

From: Gilliam, Taylor <tgilliam@sccid.sc.gov>
Sent: Monday, October 14, 2019 4:55 PM
To: Johnny James
Subject: RE: [External] Sammy L. Scarborough (ACNo. 2018-001898) - Extension Request

Not at all. Good luck!

-Taylor

From: Johnny James <JJames@scag.gov>
Sent: Monday, October 14, 2019 4:46 PM
To: Gilliam, Taylor <tgilliam@sccid.sc.gov>
Subject: [External] Sammy L. Scarborough (ACNo. 2018-001898) - Extension Request

Taylor,

I am in the middle of drafting the State's return, but IT informs me that the swelling battery and chassis on my laptop means they have to confiscate it all day tomorrow, which means I *probably* cannot complete the return by the Wednesday due date. Would you object if I requested a 4th Extension?

Hope the weekend treated you well!

Kind regards,



Johnny Ellis James Jr.
Assistant Attorney General
Post-Conviction Relief Section
4th, 7th, and 15th 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

This communication and any attachment thereto is intended only for use by the addressee(s) named herein, and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, utilization, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error please notify the Commission on Indigent Defense immediately and permanently delete the original and any copy of any e-mail and any printout thereof. SCCID may be reached by using the email address of the sender, or at 803-734-1343.

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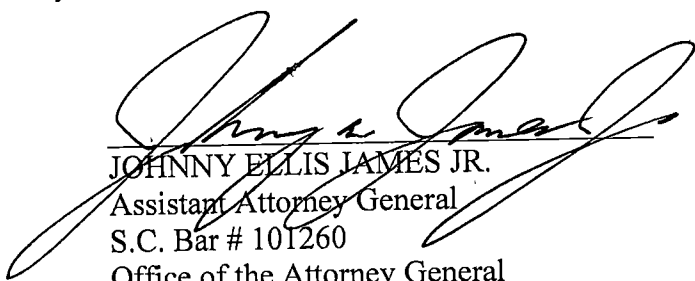
CERTIFICATE OF SERVICE

I, Johnny Ellis James Jr., hereby certify that I have served the Motion for Fourth Extension to file the Return to Petition for Writ of Certiorari, on Petitioner by direct courier delivery to:

Taylor D. Gilliam
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 16th day of October, 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

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO DILLON COUNTY
Court of Common Pleas
Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2018-001898

SAMMY LEE SCARBOROUGH,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

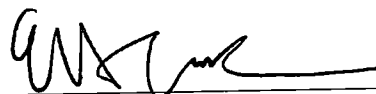
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of **Motion for Fourth Extension to File Return to Petition for Writ of Certiorari** has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

Taylor D. Gilliam, Esquire
S.C. Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29201

This 16th day of October, 2019.



EVA COOK
Legal Assistant for Respondent



ALAN WILSON
ATTORNEY GENERAL

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S.C. SUPREME COURT

October 16, 2019

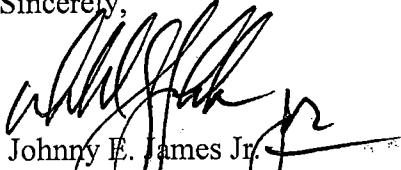
The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: Sammy Lee Scarborough, #141397 v. State of South Carolina
Appellate Case No. 2018-001898
Lower Court Case No. 2017-CP-17-0561

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the **Motion for Fourth Extension to File Return to Petition for Writ of Certiorari** in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,


Johnny E. James Jr.
Assistant Attorney General
S.C. Bar No. 101260

JEJ/ec
Enclosures

cc: Taylor D. Gilliam, Esquire