

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**  
OCT 21 2019  
S.C. SUPREME COURT

\_\_\_\_\_  
Certiorari to Richland County  
The Honorable J. Derham Cole, Circuit Court Judge

\_\_\_\_\_  
Appellate Case No. 2018-001696

John Barnes,

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, November 20, 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. Since the last request for an extension, Counsel was out of the office on September 23-24, 2019, for a conference, and September 26-27, 2019, on pre-planned leave.
4. Over the past few weeks, Counsel filed Returns to Petition for Writ of Certiorari in the following cases: Daniel Owens v. State (2018-001826) and Charles Pennell v. State

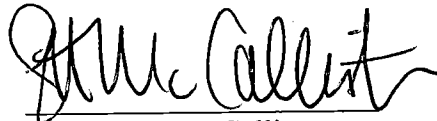
(2018-001301). Counsel also drafted and submitted three substantive proposed Orders of Dismissal from PCR evidentiary hearings.

5. Counsel is also preparing to appear on behalf of the State in PCR hearings in Greenville County tomorrow, October 22, 2019.

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, November 20, 2019**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

{Signatures on following page.}

Respectfully submitted,

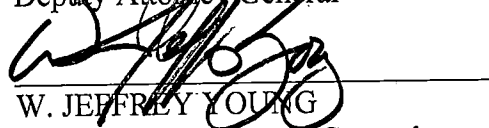


Lindsey A. McCallister  
Assistant Attorney General  
S.C. Bar # 79054  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737  
Attorney for Respondent

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

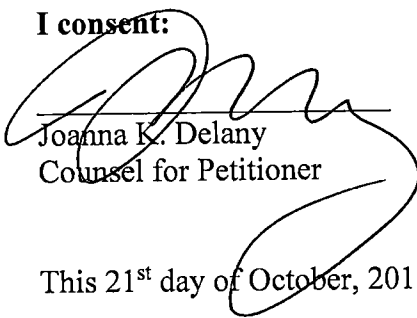


DONALD J. ZELENIKA  
Deputy Attorney General



W. JEFFREY YOUNG  
Chief Deputy Attorney General

**I consent:**



Joanna K. Delany  
Counsel for Petitioner

This 21<sup>st</sup> day of October, 2019.