

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Colleton County  
Thomas A. Russo, Circuit Court Judge

Appellate Case No. 2018-001617

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Desmond J. Sams,

Petitioner,

v.

State of South Carolina,

Respondent.

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

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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:

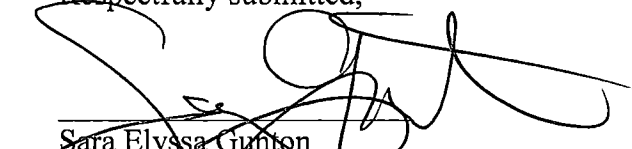
1. The Return to Petition for Writ of Certiorari is due to be filed with the Court on Monday, October 21, 2019. The Court has granted Respondent three previous extensions.
2. This is the fourth request for an extension of time in which to file a response.
3. Respondent is unable to complete the return to petition for writ of certiorari, due to an extremely heavy workload, in addition to severe disruptions this week, to wit:
  - a. This is Counsel's first appellate filing as a licensed attorney;

- b. Counsel has endeavored to complete in a timely fashion and needs additional time for review;
  - c. Counsel has been diligently drafting orders resulting from the terms of Post-Conviction Relief held in the 14<sup>th</sup> and 1<sup>st</sup> Circuits on August 26-30, 2019, and September 9-13, 2019, respectively.
  - d. Counsel is simultaneously preparing for the upcoming term of Post-Conviction Relief in the 14<sup>th</sup> Circuit, to be held November 4-8, 2019 in Beaufort County.
  - e. Counsel has additionally committed time to personal affairs in light of the recent deployment of the undersigned's husband to Afghanistan with the United States Air Force on Thursday, October 17, 2019.
  - f. Greater specificity as to the undersigned's workload can be provided upon request.
4. Counsel attempted to reach Counsel for the Petitioner by phone and e-mail afterhours to ask consent for a forth extension, but was unable to reach her. A copy of the e-mail is attached.

This extension request is not intended for purposes of delay, but rather to ensure that the return is properly researched and prepared. THEREFORE, undersigned counsel for Respondent respectfully requests a **fourth and final thirty (30) day extension** until **Wednesday, November 20, 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.

*[Signature page to follow]*

Respectfully submitted,



Sara Elyssa Gunton  
Assistant Attorney General  
S.C. Bar # 103525  
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 21<sup>th</sup> day of October, 2019

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W. JEFFREY YOUNG  
Chief Deputy Attorney General

**RECEIVED**

**OCT 23 2019**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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**RECEIVED**

OCT 23 2019

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S.C. SUPREME COURT

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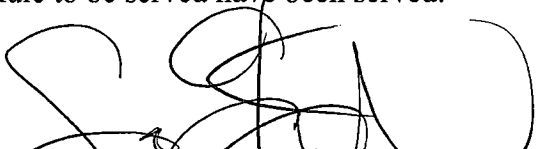
**CERTIFICATE OF SERVICE**

I, Sara Elyssa Gunton, 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:

**Katherine Haggard Hudgins**  
**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 21<sup>th</sup> day of October, 2019.



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SARA ELYSSA GUNTON  
Assistant Attorney General  
S.C. Bar # 103525  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737

ATTORNEY FOR RESPONDENT

**Sara Gunton**

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**From:** Sara Gunton  
**Sent:** Monday, October 21, 2019 5:59 PM  
**To:** 'khudgins@sccid.sc.gov'  
**Subject:** 4th Extension Request - Desmond Sams

Ms. Hudgins,

Apologies for sending this request after hours. I am requesting a fourth extension for Desmond J. Sams' RPWC that was due today, October 21, 2019, in order to have a senior attorney review my work as it is my first appellate filing.

Thank you,

Sara Elyssa Gunton  
Assistant Attorney General  
Post-Conviction Relief Division  
S.C. Attorney General's Office  
803.734.3412



ALAN WILSON  
ATTORNEY GENERAL

October 21, 2019

**RECEIVED**

OCT 23 2019

S.C. SUPREME COURT

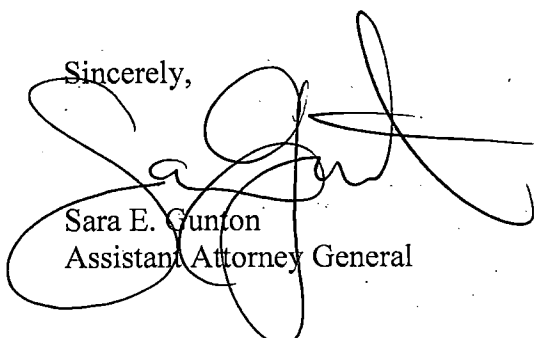
The Honorable Daniel E. Shearouse  
Clerk of Court to the South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

Re: Desmond Sams v. State of South Carolina  
Appellate Case No. 2018-001617

Dear Mr. Shearouse,

Enclosed please find the original and six copies of the **Motion for Fourth Extension to File Return to Petition for Writ of Certiorari** in the above matter for filing. Please let me know if anything additional is required.

Sincerely,

  
Sara E. Gunton  
Assistant Attorney General

SEG/jejj  
Enclosures

Cc: Katherine H. Hudgins, Esquire  
Victim Advocacy Division