

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Charleston County

The Honorable Michael G. Nettles, Circuit Court Judge

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Appellate Case No. 2018-002016

RECEIVED

NOV 21 2019

S.C. SUPREME COURT

Stephen Francois,

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 return. In support of the request, undersigned counsel would respectfully show the Court:

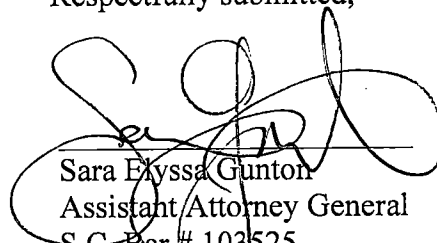
1. The Return to Petition for Writ of Certiorari is due to be filed with the Court today, Monday, November 18, 2019. The Court has granted counsel three previous extensions.
2. This is the fourth request for an extension of time in which to file a response.
3. Respondent is unable to complete the return to petition for writ of certiorari, due to an extremely heavy workload, to wit:

- a. Counsel appeared on behalf of the State at a PCR term in Beaufort County the week of November 4, 2019 and is currently drafting orders for the cases heard during this term.
  - b. Counsel submitted the supplemental PCR order as required by this Court's ruling in Fishburne v. State, Op. No. 27911 (S.C.Sup.Ct. filed July 31, 2019) on Friday, November 8, 2019.
  - c. Counsel has been diligently drafting the Return and Petition for Writ of Certiorari for Sams v. State, App. Case No. 2018-001617, for filing on Wednesday, November 20, 2019.
  - d. Counsel has been diligently drafting the Return and Petition for Writ of Certiorari for Benjamin v. State, App. Case No. 2019-000528, for filing on Wednesday, November 27, 2019.
  - e. Greater specificity as to the undersigned's workload can be provided upon request.
4. Counsel for the Petitioner has given his consent to this extension via email.

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, December 18, 2019**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

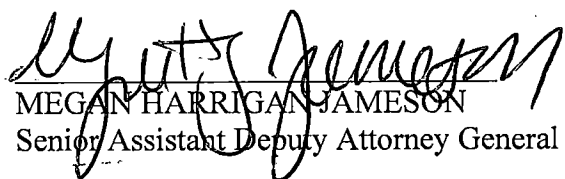
*[Signature page to follow]*

Respectfully submitted,

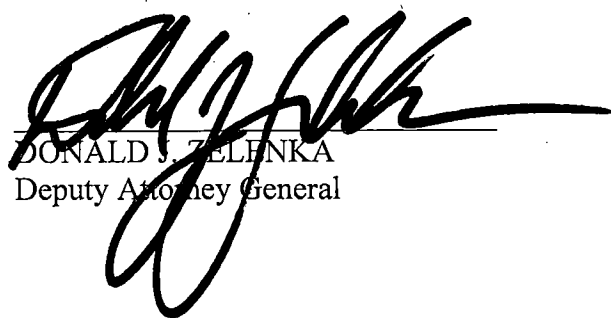


Sara Elyssa Gunton  
Assistant Attorney General  
S.C. Bar # 103525  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737  
Attorney for Respondent

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



MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General



DONALD J. ZELENSKA  
Deputy Attorney General

This 18th day of November, 2019.

STATE OF SOUTH CAROLINA  
In the Supreme Court

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Certiorari to Charleston County  
The Honorable Michael G. Nettles, Circuit Court Judge

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Appellate Case No. 2018-02016

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S.C. SUPREME COURT

STEPHEN FRANCOIS

PETITIONER

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a true copy of the **Motion for Fourth Extension to File Return to Petition for Writ of Certiorari** has been served upon the applicant by placing two copies in the United States Mail addressed to:

**Taylor D. Gilliam, Esquire**  
**S.C. Commission on Indigent Defense**  
**1330 Lady Street, Suite 401**  
**Columbia, SC 29201**

This 18<sup>th</sup> day of November, 2019.

  
\_\_\_\_\_  
Jennifer Jennison  
Administrative Coordinator for Respondent



ALAN WILSON  
ATTORNEY GENERAL

RECEIVED  
NOV 21 2019  
S.C. SUPREME COURT

November 18, 2019

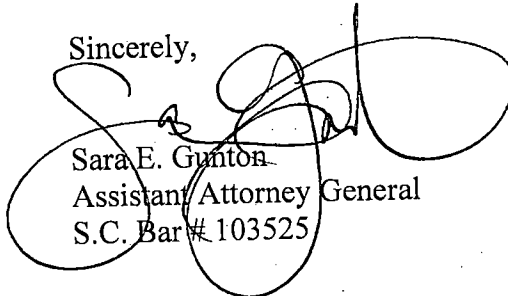
The Honorable Daniel E. Shearouse  
Clerk of Court — SC Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

**RE: Stephen Francois v. State of South Carolina**  
**Appellate Case No.: 2018-002016**

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 needed.

Sincerely,



Sara E. Guntton  
Assistant Attorney General  
S.C. Bar # 103525

SEG/jaj  
Enclosures

cc: Taylor D. Gilliam, Esquire  
Victim Advocacy Division