

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO RICHLAND COUNTY
Court of Common Pleas

The Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2019-00069

RECEIVED

NOV 21 2019

S.C. SUPREME COURT

Nathaniel Mitchell,

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 **Monday, December 16, 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 Counsel's last request for an extension, Counsel prepared for and represented Respondent in post-conviction relief hearings in Greenville County on October 22, 2019; in Richland County during the week of October 28 – November 1, 2019; and in

Richland and Kershaw Counties during the week of November 12 – November 15, 2019.

4. Over the past month, Counsel also drafted a substantive proposed order in the case of Brittany A. Johnson v. State (2016-CP-26-6535), and filed a Return to Petition for Writ of Certiorari in DeAngelo Mickell v. State (2018-001933), and Daniel Owens, Jr., v. State (2018-001826).
5. Additionally, Counsel is filing a Return to Petition for Certiorari in Antonio Sadler v. State (2018-002173) with this Court today.

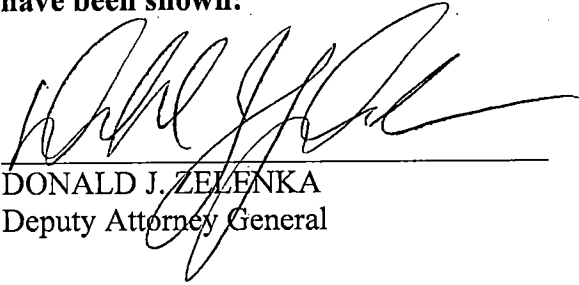
This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The Petition raises multiple issues, and the undersigned is currently working on the Return and hopes to have it completed shortly. The undersigned therefore requests 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 **Monday, December 16, 2019**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances. Counsel for Petitioner has consented to the extension request.

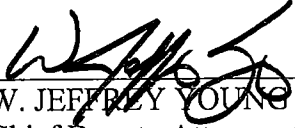
Respectfully submitted,

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:**

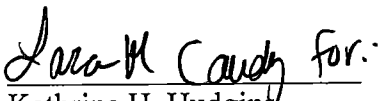


DONALD J. ZELENKA
Deputy Attorney General



W. JEFFREY YOUNG
Chief Deputy Attorney General

I consent:



Kathrine H. Hudgins
Attorney for Petitioner

This 20th day of November, 2019.

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

NOV 21 2019

CERTIORARI TO RICHLAND COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2019-00069

Nathaniel Mitchell,

Petitioner,

v.

State of South Carolina,

Respondent.


CERTIFICATE OF SERVICE

I, Erik Marcusson, hereby certify that I have served the Motion for Fourth Extension to File the Return to Petition for Writ of Certiorari, on Petitioner by depositing a copy of same in the U.S. mail, addressed to:

**Ms. Kathrine Haggard Hudgins
S.C. Commission on Indigent Defense
1330 Lady St., Ste.401
Columbia, SC 29201**

I further certify that all parties required by Rule to be served have been served.

This 20th day of November, 2019.



Erik Marcusson
Legal Assistant for Respondent



ALAN WILSON
ATTORNEY GENERAL

November 20, 2019

RECEIVED

NOV 21 2019

S.C. SUPREME COURT

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

Re: Nathaniel Mitchell v. State of South Carolina
Appellate Case No. 2019-00068

Dear Mr. Shearouse:

Due to Chief Deputy Jeffrey Young's absence from the office on November 15, 2019, we were unable to obtain his signature for the Motion for Fourth Extension to file Return to Petition for Writ of Certiorari filed on that date in the above-referenced case. Enclosed is his signature for the Court's records.

Sincerely,

for Lindsey A. McCallister
Assistant Attorney General
S.C. Bar No. 79054

LAM/em

cc: Kathrine H. Hudgins, Esquire