

STATE OF SOUTH CAROLINA
In The Supreme Court

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May 04 2020

CERTIORARI TO RICHLAND COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable L. Casey Manning, Trial Judge
The Honorable G. Thomas Cooper, PCR Judge

Appellate Case No. 2019-000549

Victor D. Smith, #348112,

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, June 3, 2020**. 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. Counsel's daughter was born eight days early on April 25, 2020, and Counsel has been out of the office on leave for the past week.

4. Additionally, since Counsel's last request for an extension, Counsel has filed returns to petitions for certiorari in Tyrone Joseph Whatley v. State (2019-000111), Glen K. LaConey v. State (2019-000658), and Jeffrey Thomas Brown v. State (2019-000709).
5. Counsel has also devoted significant working time to administrative and supervisory tasks over the past month reviewing and editing attorney work-product and helping to coordinate and administer to the PCR section's response to the coronavirus situation and the Governor's request for State employees to work from home.

This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared, as the Petition includes multiple issues. 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 June 3, 2020**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances. Pursuant to the reciprocal, interagency agreement for consent to all motions and extensions between the Attorney General's Office and the Office of Appellate Defense through May 22, 2020, Counsel for Petitioner has consented to the extension request.

Respectfully submitted,

s/ Lindsey A. McCallister

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

s/ Megan Harrigan Jameson

Megan Harrigan Jameson
Senior Assistant Deputy Attorney General

s/ Donald J. Zelenka

DONALD J. ZELENKA
Deputy Attorney General

This 4th day of May, 2020.