

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

CERTIORARI TO RICHLAND COUNTY
Court of Common Pleas

May 19 2020

S.C. SUPREME COURT

Paul M. Burch, Circuit Court Judge

Appellate Case No. 2019-001127

HENRY L. GRAY,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR EXTENSION TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI AND
MOTION TO FILE OUT OF TIME**

Respondent, the State, moves this Court for a third thirty-day extension of time in which to file the Return to Petition for Writ of Certiorari, up to and including **June 18, 2020**. This is Respondent's third request for an extension of time in which to file the return, but due to calendaring error, the deadline was missed. Further, since counsel of record is out on maternity leave, undersigned counsel would request to be substituted as counsel of record, and allow this request out of time. In support of the request, undersigned counsel would respectfully show the Court:

1. The Return to Petition for a Writ of Certiorari in this case was due to be filed with the Court on April 20, 2020. However, due to a calendaring error, undersigned counsel was unaware of the deadline.
2. Counsel of record is out on maternity leave; therefore, undersigned counsel asks to be

substituted at counsel of record in this case.

3. This is the third request for an extension of time in which to file the Return to Petition for a Writ of Certiorari.
4. Counsel now requests permission to file out of time this request for an additional thirty days, until June 18, 2020, in which to file the Return to Petition for a Writ of Certiorari.
5. This extension request is not intended for purposes of delay, but rather is due to Counsel's heavy workload and to ensure the petition is properly researched and prepared. In the past thirty days, undersigned counsel has:
 - a. Appeared on behalf of the State in an emergency PCR hearing via webex on May 18, 2020;
 - b. Filed a Return to Petition for a Writ of Certiorari in *Boone v. State*, 2019-000943, on May 14, 2020;
 - c. Filed a Return to Petition for a Writ of Certiorari in *Chestnut v. State*, 2019-000347, today, May 18, 2020; and
 - d. Submitted proposed orders to circuit court judges, filed returns, and motions in the circuit court.
6. Opposing counsel has graciously consented to this request.
7. The undersigned therefore requests an extension of time within which to serve and file the Return.

THEREFORE, undersigned counsel for Respondent respectfully requests a third **thirty-day extension** until **June 18, 2020**, in which to complete and file the Return to Petition for Writ of Certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,

s/ Samuel L. Key
SAMUEL L. KEY
Assistant Attorney General
S.C. Bar # 103206

s/ Mengan H. Jameson
MEGAN HARRIGAN JAMESON
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ATTORNEYS FOR RESPONDENT

This 19th day of May, 2020.