

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

CERTIORARI TO LANCASTER COUNTY
Court of Common Pleas
Daniel D. Hall, Trial Judge
Paul M. Burch, PCR Judge

May 19 2020
S.C. SUPREME COURT

Appellate Case No. 2019-000891

DAVID ANTONIO KUCINSKI,

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 12, 2020**. This is Respondent's third request for an extension of time in which to file the return and brief, but due to a mistake in calendaring, this request is 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 Wednesday, May 13, 2020. However, due to a clerical error, undersigned counsel missed the deadline.
2. This is the third request for an extension of time in which to file the Return to Petition for a Writ of Certiorari.

3. Counsel now requests permission to file out of time this request for an additional thirty days, until June 12, 2020, in which to file the Return to Petition for a Writ of Certiorari.
4. 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.
5. Opposing counsel has graciously consented to this request through inter-agency agreement.
6. The undersigned therefore requests an extension of time within which to serve and file the Return to Petition for a Writ of Certiorari.

THEREFORE, undersigned counsel for Respondent respectfully requests a **third thirty-day extension** until **June 12, 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/ Megan H. Jameson
MEGAN HARRIGAN JAMESON
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ATTORNEYS FOR RESPONDENT

This 19th day of May, 2020.