

STATE OF SOUTH CAROLINA  
In The Supreme Court

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CERTIORARI TO RICHLAND COUNTY  
Court of Common Pleas

G. Thomas Cooper, Trial Judge  
Paul M. Burch, PCR Judge

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Appellate Case No. 2019-001127

**RECEIVED**

**Jun 11 2020**

**S.C. SUPREME COURT**

HENRY L. GRAY,

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 moves before this Court for a fourth thirty-day extension of time in which to file the Return to Petition for Writ of Certiorari, up to and including July 13, 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 a writ of certiorari is due to be filed with the Court today. The Court has granted Respondent three previous extensions.
2. This is the fourth request for an extension of time in which to file a response. However, this is undersigned Counsel's second extension request in this case.
3. This extension request is not intended for purposes of delay; rather, it is due to undersigned 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 the Return to Petition for a Writ of Certiorari in *Boone v. State*, 2019-000943, on May 14, 2020;
- c. Filed the Return to Petition for a Writ of Certiorari in *Chestnut v. State*, 2019-000347, May 18, 2020;
- d. Plans file the Return to Petitioner for a Writ of Certiorari in *Kucinski v. State*, 2019-000891, on Friday, June 12, 2020;
- e. Prepared a 5th circuit PCR roster with the chief administrative judge for the week of June 29, 2020, to be published this week;
- f. Is preparing 12th circuit PCR cases to be scheduled for July at the request of the chief administrative judge pursuant to this Court's memorandum "Court Operations during the Seven-Week Period June 15–July 31, 2020;"
- g. Filed a Rule 59(e), SCRCPP, motion to alter or amend judgment in *Oshaun Robinson v. State*, 2017-CP-23-2653, on June 1, 2020;
- h. Filed a Rule 59(e), SCRCPP, motion to alter or amend judgment in *Myles Dunne v. State*, 2019-CP-28-00796, on June 8, 2020; and
- i. Submitted a proposed order in *Rusty Evans v. State*, 2019-CP-21-2136, on June 8, 2020.

4. Opposing counsel has consented to this request through inter-agency agreement.

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 **Monday July, 13, 2020**, 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 consents to this request through interagency agreement between Appellate Defense and Respondent.

Respectfully submitted,

s/ Samuel L. Key

SAMUEL L. KEY  
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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 11th day of June, 2020.