

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Jun 12 2020

S.C. SUPREME COURT

CERTIORARI TO LANCASTER COUNTY  
Court of Common Pleas  
Brian M. Gibbons, Trial Judge  
Paul M. Burch, PCR Judge

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Appellate Case No. 2019-001042

KEISHAWN MCMANUS,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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**MOTION TO HOLD IN ABEYANCE THE  
TIME TO FILE THE RETURN TO PETITION  
FOR A WRIT OF CERTIORARI AND BRIEF  
OF RESPONDENT**

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Respondent, the State, moves this Court to hold in abeyance the time to file the Return to Petition for a Writ of Certiorari and Brief of Respondent pursuant to *White v. State*, because the State has received information that Mr. McManus has died during the pendency of his petition and appeal. In support of the request, undersigned counsel would respectfully show the Court:

1. The Return to Petition for a Writ of Certiorari and Brief of Respondent pursuant to *White v. State*, is due to be filed with the Court today. The Court has granted the State three previous extensions.
2. The State has received information that Mr. McManus has died during the pendency of his petition and appeal, which—if accurate—would render his petition and appeal

moot. *Cf. State v. Miller*, 409 S.C. 312, 312, 762 S.E.2d 394, 394–95 (2014) (dismissing an appeal as moot subsequent to the death of the appellant during the pendency of the appeal).

3. The State has notified opposing counsel, Jessica M. Saxon, Esquire, of this information and confirmed its accuracy with the Department of Corrections.
4. The State has requested a copy of Mr. McManus's death certificate to include with a motion to dismiss the petition and appeal as moot. However, as of yesterday, June 11, 2020, the death certificate was not yet available.
5. Opposing counsel does not oppose this request.

This request is not intended for purposes of delay, but rather is necessary to attain vital documentation of Mr. McManus's death and preserve judicial economy. The undersigned has and will continue to keep opposing counsel updated on the status of the death certificate. Once the death certificate is received, undersigned counsel or opposing counsel will promptly act as necessary. THEREFORE, undersigned counsel for the State respectfully requests for the time to file the Return to Petition for a Writ of Certiorari and Brief of Respondent pursuant to *White v. State* be held in abeyance to attain a copy of Mr. McManus's death certificate.

*(signature on following page)*

Respectfully submitted,

s/ Samuel L. Key  
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June 12, 2020