

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Jul 29 2020

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CERTIORARI TO LEXINGTON COUNTY  
Court of Common Pleas  
The Honorable R. Keith Kelly, PCR Judge

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S.C. SUPREME COURT

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Appellate Case No. 2019-001575

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KERWIN S. PARKER,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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

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Respondent, the State, moves this Court, out of time, for an additional thirty-day extension of time in which to file the Return to Petition for Writ of Certiorari, **up to and including August 27, 2020**. This is Respondent's third request for an extension of time in which to file the return, 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:<sup>1</sup>

1. The Return to Petition for Writ of Certiorari is due to be filed with the Court on Monday, June 27, 2020. However, due to a clerical error, undersigned counsel

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<sup>1</sup> In compliance with: *In Re: Extensions in Criminal and Post-Conviction Relief Cases*, (S.C. Sup. Ct. order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1).

missed the deadline. The Court has granted Respondent two previous extensions.

2. This is the third request for an extension of time in which to file the Return to Petition for Writ of Certiorari.
3. Counsel now requests permission to file out of time this request for an additional thirty days, until July 29, 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 return is properly researched and prepared. In the past thirty days, undersigned counsel has:

- a. File a return with the circuit court in *Jose Garcia v. State*, 2020-CP-32-0410, on July 1, 2020
- b. File a return with the circuit court in *Juan Garner v. State*, 2020-CP-32-00945, on July 7, 2020
- c. File a return with the circuit court in *Justin Antonio Butler v. State*, 2020-CP-32-00947, on July 9, 2020
- d. Filed a return and submitted a proposed conditional order of dismissal to the circuit court in *Keno Tolen v. State*, 2019-CP-32-00289
- e. Filed a return and submitted a proposed conditional order of dismissal to the circuit court in *K.C. Langford v. State*, 2020-CP-19-0091, on July 16, 2020
- f. Appeared for the State in a motion to reconsider in *Breon Jacoby Mayers v. State*, 2015-CP-32-1590, on July 21, 2020 before the Honorable Eugene C. Griffith, Jr.

- g. File a return with the circuit court in *Sindy Blanton v. State*, 2020-CP-04-0832, on July 22, 2020
  - h. File a return to petition for writ of certiorari in *Phillip Monroe v. State*, 2019-001196, on July 27, 2020
  - i. Filed a return and submitted a proposed conditional order of dismissal to the circuit court in *Robert Baker v. State*, 2020-CP-19-0091, on July 29, 2020
  - j. Since Counsel's last request for an extension, Counsel was scheduled to appear for the State in a post-conviction relief term in the in the 13<sup>th</sup> Circuit, to be held August 2–10, 2020, which although eventually cancelled due to the coronavirus outbreak, required Counsel's time to prepare prior to the cancellation.
  - k. Counsel is simultaneously preparing for the upcoming term of post-conviction relief in the 11<sup>th</sup> Circuit, to be held August 10–14, 2020, and in the 13<sup>th</sup> Circuit, to be held September 7–11, 2020. Counsel has been diligently working with the Chief Administrative Judges on logistical issues associated with preparing the rosters in light of the COVID-19 pandemic.
  - l. Greater specificity as to the undersigned's workload can be provided upon request.
5. The undersigned therefore requests an extension of time in which to serve and file the Return to Petition for Writ of Certiorari.

THEREFORE, undersigned counsel for Respondent respectfully requests a **third thirty-day extension** until **Monday, August 27, 2020**, in which to complete and file the return to petition for writ of certiorari. Counsel for Petitioner consents to this request through interagency agreement between Appellate Defense and Respondent.

Respectfully submitted,

s/LillianMeadows  
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s/Megan Harrigan Jameson  
MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

This 29<sup>th</sup> day of July, 2020.