

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

CERTIORARI TO BEAUFORT COUNTY
Court of Common Pleas
The Honorable Thomas A. Russo, PCR Judge

Appellate Case No. 2019-001196

ARTHUR FRANKLIN SMITH,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR FOURTH EXTENSION TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondent, the State, moves this Court for an additional seven-day extension of time in which to file the Return to Petition for Writ of Certiorari, **up to and including August 5, 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

1. The Return to Petition for 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 in which to file the Return to Petition for Writ of Certiorari.

¹ 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).

3. Counsel assumed representation for Respondent in this case on June 30, 2020, at which time two extensions had already been granted to the previous counsel of record for Respondent, who has left the Office of the Attorney General.
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. Filed a return with the circuit court in *Jose Garcia v. State*, 2020-CP-32-0410, on July 1, 2020
 - b. Filed a return with the circuit court in *Juan Garner v. State*, 2020-CP-32-00945, on July 7, 2020
 - c. Filed 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. Filed a return with the circuit court in *Sindy Blanton v. State*, 2020-CP-04-0832, on July 22, 2020

- h. Filed 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 13th 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 11th Circuit, to be held August 10–14, 2020, and in the 13th 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 fourth and final **seven-day extension** until **Wednesday, August 5, 2020**, in which to complete and file the return to petition for writ of certiorari based upon the above exigent circumstances. Counsel for

Petitioner consents to this request through interagency agreement between Appellate Defense and Respondent.

Respectfully submitted,

s/LillianMeadows
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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 29th day of July, 2020.