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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO LEXINGTON COUNTY
Court of Common Pleas
Edgar W. Dickson, PCR Judge

RODNEY C. BRYAN

PETITIONER-RESPONDENT

v.

STATE OF SOUTH CAROLINA,

RESPONDENT-PETITIONER

App. Case No. 2019-001887

**MOTION FOR EXTENSION TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI,
BRIEF PURSEANT TO *WHITE* v. *STATE*, AND
MOTION TO FILE OUT OF TIME**

Respondent-Petitioner, the State, moves this Court, out of time, for a first thirty-day extension of time in which to file the Return to Petitioner-Respondent's Petition for Writ of Certiorari, up to and including **September 28, 2020**. This is Respondent-Petitioner's first request for an extension of time in which to file the return, but due to a mistake in e-filing the extension request, this request is out of time. In support of the request, undersigned counsel would respectfully show the Court:

1. Respondent-Petitioner's Return to Petition for a Writ of Certiorari and Brief pursuant to *White* v. *State* in this cross-appeal was due to be filed with the Court on Thursday, August 27, 2020. Due to an oversight by the undersigned, Respondent-Petitioner

served Petitioner-Respondent the extension request, but failed to appropriately e-file the extension request with the Court.

2. This is the first request for an extension of time in which to file the Return to Petition for a Writ of Certiorari and Brief of Respondent-Petitioner pursuant to *White v. State*.
3. Counsel now requests permission to file out of time this request for an additional thirty days, September 28, 2020, in which to file the Return to Petition for a Writ of Certiorari and Brief of Respondent.
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. Appeared on behalf of the State at the Fifth Circuit PCR term of court via WebEx the week of August 10, 2020.
 - b. Appeared on behalf of the State at the First Circuit PCR term of court via WebEx on Thursday, September 3, 2020.
 - c. Submitted proposed orders to circuit court judges per the judges' request for such orders.
 - d. Filed several responsive pleading and motions in the circuit court.
 - e. Is currently appearing on behalf of the State at the Twelfth Circuit PCR term of court via WebEx which is ongoing this week of September 14, 2020.
 - f. Is currently working with the Chief Administrative Judge for the Fifth Judicial Circuit to prepare a roster for the October 26, 2020, Fifth Circuit PCR term of court pursuant to the Chief Justice's Memorandum issued September 14, 2020.
5. Opposing counsel has graciously consented to this request by email.
6. The undersigned therefore requests an extension of time within which to serve and file

the Return to Petition for a Writ of Certiorari and Brief of Respondent-Petitioner pursuant to *White v. State*.

THEREFORE, undersigned counsel for Respondent-Petitioner respectfully requests a **first thirty-day extension** until **September 28, 2020**, in which to complete and file the Return to Petition for Writ of Certiorari and Brief of Respondent-Petitioner pursuant to *White v. State* in this case based upon the above exigent circumstances.

Respectfully submitted,

s/ Samuel L. Key
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ATTORNEYS FOR RESPONDENT

This 16th day of September, 2020.