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Feb 23 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CERTIORARI TO LEXINGTON COUNTY
Court of Common Pleas
The Honorable Walton J. McLeod, IV, PCR Judge

Appellate Case No. 2019–001249

BILAL S. HAYNESWORTH,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION FOR FOURTH EXTENSION
TO FILE THE BRIEF OF RESPONDENT**

Respondent, the State, moves this Court for an additional thirty-day extension of time in which to file the brief of respondent, up to and including March 25, 2022. This is the State’s fourth request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show this Court:¹

1. The brief of respondent is due to be filed with this Court today, February 23, 2022. This Court has granted the State three previous extensions.

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).

2. This extension request is not intended for purposes of delay, but rather is due to Counsel's heavy workload and to ensure the brief is properly researched and prepared. In the past thirty days, undersigned counsel has:
 - a. Represented the State in the post-conviction relief term in the 13th Circuit held January 24–28, 2022, before the Honorable R. Scott Sprouse;
 - b. Drafted and submitted a proposed final order of dismissal to the circuit court in *Lazarus Richberg v. State*, 2019-CP-18-1300, on January 25, 2022;
 - c. Drafted and submitted a proposed consent order of dismissal to the circuit court in *Mikhail Kozac v. State*, 2018-CP-23-2958, on January 26, 2022;
 - d. Filed a return with the circuit court in *Sherman Veazie v. State*, 2021-CP-04-1845, on January 27, 2022;
 - e. Drafted and submitted a proposed order of dismissal to the circuit court in *Paula Rose v. State*, 2019-CP-23-2348, on January 27, 2022;
 - f. Filed a return to the applicant's motion to alter, amend, or reconsider in *Davon Clark v. State*, 2017-CP-32-0590, on February 1, 2022;
 - g. Drafted and submitted a proposed order granting and dismissing various motions in *David Walker v. State*, 2021-CP-32-1726, on February 2, 2022;

- h. Filed a return with the circuit court in *William Marino v. State*, 2021-CP-32-2975, on February 7, 2022;
 - i. Filed the brief of respondent with this Court in *Robert Baker v. State*, 2018-001854, on February 14, 2022; and
 - j. Filed a return and submitted a proposed conditional order of dismissal to the circuit court in *Troy Burks v. State*, 2018-CP-23-3312, and 2021-CP-23-3840, on February 16, 2022.
- 3. Counsel is simultaneously preparing for the upcoming post-conviction relief terms in the 10th Circuit, to be held February 28–March 4, 2022, before the Honorable William P. Keesley and in the 13th Circuit, to be held March 21–25, 2022, before the Honorable Eugene C. Griffith, Jr.
- 4. Additionally, the Document Management System of the Office of the South Carolina Attorney General has been down since Friday, February 18, 2022, leaving counsel unable to access her drafts, notes, and other documents pertaining to this case.
- 5. Counsel for Petitioner has graciously consented to this extension request by way of interagency agreement between Appellate Defense and the State.

THEREFORE, undersigned counsel for the State respectfully requests a fourth and final thirty-day extension until March 25, 2022, in which to complete and file its brief based upon the above exigent circumstances.

Respectfully submitted,

s/LillianMeadows
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ATTORNEY FOR RESPONDENT

**We concur that extraordinary
circumstances have been shown**

s/MeganJameson
MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

s/DonZelenka
DONALD J. ZELENKA
Deputy Attorney General

This 23rd day of February, 2022

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Fourth Extension to File the Brief of Respondent has been served upon opposing counsel, Kathrine H. Hudgins, Esquire, by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Kathrine H. Hudgins, Esquire
khudgins@sccid.sc.gov

This 23rd day of February, 2022.

s/LillianMeadows

LILLIAN L. MEADOWS
Assistant Attorney General
S.C. Bar No. 103665