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Feb 24 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ON WRIT OF CERTIORARI TO GREENVILLE COUNTY
Court of Common Pleas
The Honorable Edward W. Miller, Plea Judge
The Honorable J. Mark Hayes, II, Post-Conviction Relief Judge

Appellate Case No. 2020-001361

OSHAUN ROBINSON,

RESPONDENT,

v.

THE STATE

PETITIONER.

**SECOND MOTION FOR EXTENSION OF TIME
RETURN TO FILE TO MOTION FOR APPEAL BOND**

The State, through its undersigned counsel, would respectfully show unto this Court the following:

1. On February 3, 2022, Oshaun Robinson filed a petition seeking this Court to grant him an appeal bond. Pursuant to Rule 240(e), SCACR, and this Court's February 4, 2022, letter, the State's return to this motion was due to be served on or before February 14, 2022.

2. This post-conviction relief appeal pertains to convictions of assault and battery with intent to kill, armed robbery, and criminal conspiracy to which Robinson pleaded guilty on March 4, 2009.
3. On February 14, 2022, the State requested a ten-day extension, to serve its return to Robinson's motion for an appeal bond pursuant to Rule 263, SCACR, to allow time to prepare a meaningful response to Robinson's motion, including time to consult with the victim to ensure his position is fully and properly presented to the Court. One of the State's investigators is currently working with the Greenville County Sheriff's Office to locate the victim.
4. On February 15, 2022, this Court issued an order granting the State's request for an extension to serve its return to Robinson's motion for an appeal bond until today, February 24, 2022.
5. The South Carolina Attorney General's Office's Document Management System has been down since Friday, February 18, 2022, leaving counsel unable to access her drafts, notes, records, and other documents pertaining to this case. Please see the attached Affidavit of Dennis Youngue, the Director of Information Technology for the South Carolina Attorney General's Office, for a detailed explanation of the current situation.
6. Pursuant to Rule 263, SCACR, the State respectfully requests a second ten-day extension. This extension is not intended for delay, but is to allow time to prepare a meaningful response to this motion based on the above-referenced extraordinary circumstances.

THEREFORE, undersigned counsel for the State respectfully requests a ten-day extension until March 7, 2022, in which to serve its return to Robinson's motion for an appeal bond.

Respectfully submitted,

ALAN WILSON
Attorney General

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

February 24, 2022

ATTORNEYS FOR PETITIONER

STATE OF SOUTH CAROLINA)
) FOR THE FIFTH JUDICIAL CIRCUIT
 COUNTY OF RICHLAND)
)
 In re: Technical Disruptions to)
 Operations of the South Carolina)
 Attorney General's Office) **Affidavit of Dennis Yongue**
)
)
 _____)

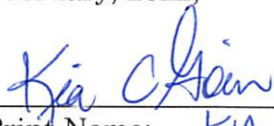
I, Dennis Yongue, do swear and affirm the following facts to be true and accurate:

1. I am Dennis Yongue, Director of Information Technology for the South Carolina Attorney General's Office, a position in which I have served since February 4, 2019.
2. The SCAGO contracts with World Software Corporation, a vendor company headquartered in New Jersey, for the provision of document management software called Worldox.
3. Worldox provides a central platform for the organization, management, security, and identification of digital documents by saving such documents to a central repository using a unique identifier, and by providing end users an overlay with the documents organized in a recognizable fashion and only then with recognizable file names. Worldox provides this functionality through integration with Microsoft Windows.
4. SCAGO retention policies generally require all digitally storable objects to be saved to Worldox, including but not limited to documents, exhibits, photographs, drafts, e-mails, recordings, and so forth, whether they constitute discoverable evidence, attorney work product, or otherwise. Worldox is the platform through which SCAGO attorneys and staff may access such case records, documents, and work product.
5. As a result, files stored on Worldox are generally the only way end user attorneys and staff may access case records, documents, and work product necessary for litigation. In the circumstance that Worldox is unavailable, whether intentionally or otherwise, SCAGO end users are prohibited from access to the case records, documents, and work product necessary to the core functions of the office.
6. Microsoft issues regular security patches on the second Tuesday of every month.
7. Microsoft issued regular security patch(es) on or about Tuesday, January 11, 2022.
8. Microsoft issued additional regular security patch(es) on Tuesday, February 8, 2022.
9. SCAGO IT staff installed and implemented both the January and February security patches beginning on or about Friday, February 11, 2022, to all servers under their care and control.
10. The implementation of the security patches triggered unanticipated and unknown errors which caused repeated reboots of the domain controllers on the servers AD1, AD2, and AD3, which caused disruptions to the SCAGO network, corrupted the Worldox security policies, compromised the security of Worldox servers, and interrupted the basic functionality of the Worldox application.
11. The corruption and errors limited and disrupted SCAGO access to digitally stored records and case files managed by the Worldox application, but the extent to which access was limited was at that time not fully known. Most Worldox-managed

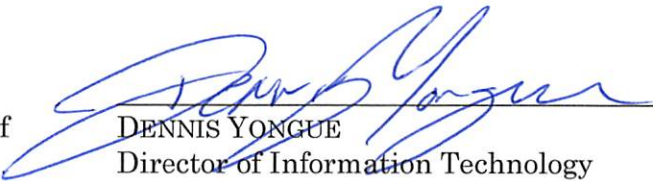
records and case files remained accessible at that time. However, some records became available only to end users, while other records became available only to SCAGO IT staff.

12. I alerted all SCAGO attorneys and staff of the network disruptions on Monday, February 14, 2022, and directed SCAGO IT staff to collaborate with World Software Corporation to investigate and resolve the issues.
13. Throughout the week, SCAGO IT staff continued to troubleshoot, investigate, and work towards resolving the issues while providing regular updates to SCAGO attorneys and staff.
14. On or about the morning of Thursday, February 17, 2022, SCAGO IT Staff consulted with Affinity, a third-party vendor who previously assisted in the implementation of Worldox, regarding the continuing disruptions in Worldox service. Upon review of Worldox, Affinity identified critical internal security flaws in Worldox which presented a critical security threat to records managed by Worldox. Affinity recommended accessing and implementing Worldox backup data.
15. At or about 6:00 p.m. on Friday, February 18, 2022, SCAGO IT staff shut down Worldox access to end users in order to complete the task of obtaining and implementing the Worldox backup data over the long holiday weekend.
16. On or about Sunday, February 20, 2022, SCAGO IT staff discovered that the effort to implement the Worldox backup data was not successful in resolving the critical internal security flaws previously identified. As a consequence, the security of records and case files managed by Worldox remained critically compromised.
17. The only means by which SCAGO IT staff can presently address the compromised security condition of records and case files in Worldox is to continue to prohibit end user access to Worldox. As a consequence, SCAGO end users are presently restricted from accessing digitally stored case files, records, notes, drafts, or any other things stored on Worldox.
18. At the time of this writing, SCAGO IT staff continue to work with Worldox in order to produce a solution to the critical internal security flaws which require restriction of SCAGO end user access. However, due to the nature of the solutions to be implemented, uncertainty of success, and due to the rapidly evolving and shifting global cyber-threat environment, SCAGO IT staff anticipates end user access to be disrupted and restricted for an indeterminate period of time.

SWORN to before me this 24th day of
February, 2022,



Print Name: KIA C GOINS
Notary Public for South Carolina
My Commission Expires: June 22, 2027



DENNIS YONGUE
Director of Information Technology
South Carolina Attorney General's Office

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Kia C. Goins
Notary Public
State of South Carolina
My Commission Expires June 22, 2027

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Second Motion for Extension of Time to File Return to Motion for Appeal Bond has been served upon opposing counsel, Tara D. Shurling, Esquire, by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Tara D. Shurling, Esquire
tdslaw@shurlinglaw.com

This 24th day of February, 2022.

s/LillianMeadows

LILLIAN L. MEADOWS
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211