

STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Georgetown County
The Honorable W. Jeffrey Young, Circuit Court Judge

RECEIVED

Mar 02 2022

S.C. SUPREME COURT

STEPHEN C. STANKO,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2017-000211

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

Respondent, by and through the undersigned attorneys, would respectfully move this Court for a **THIRD** extension of time within which to make a Return or otherwise plead. The Return to Petition for Writ of Certiorari in the above action is due to be served and filed today, Wednesday, March 2, 2022. The undersigned attorney for the Respondent moves that the time for return be extended by thirty (30) days up to and including April 1, 2022. Counsel for Petitioner has graciously consented to this extension request. This motion is made because the Respondent has not been able to respond within the allotted time for the following reasons:

1. Counsel filed the Respondent's Response to Petitioner's Objections to the Report and Recommendation in the matter of Deonte Steven Brown vs. Samuel Wise, Warden, C/A No. 5:21-1890-HMH-KDW on **February 4, 2022**;

2. Counsel filed the Respondent's Response to Petitioner's Objections to Report and Recommendation [ECF #27] in the matter of Quantae Priest vs. Bryan Stirling, Commissioner of the South Carolina Department of Corrections; and Kenneth Nelsen, Warden of Lee Correctional Institution, C/A No. 1:21-2878-MGL-SVH on **February 9, 2022**;

3. Counsel filed the Respondent's Reply to the Response to Motion for Summary Judgment in the matter of Frankie Lee McGee vs. Warden of Lieber Correctional Institution, C/A No. 5:21-cv-777-RMG-KDW on **February 10, 2022**;

4. Counsel also filed the Respondent's Response to Petitioner's Objections to the Report and Recommendation in the matter of Alexander Bernard Wilson, Jr. vs. Warden, Kirkland Correctional Institution, C/A No. 5:21-1000-JFA-KDW on **February 11, 2022**;

5. Counsel appeared before the South Carolina Court of Appeals for oral argument on behalf of the State in the matter of The State vs. Nicholas B. Chhith-Berry, Appellate Case No. 2019-000352, a Lexington County direct appeal matter on **February 17, 2022**;

6. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Manuel Dejesus Solorzana Hernandez vs. Warden, Kershaw Correctional Institution, C/A No. 2:21-03650-HMH-MGB;

7. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Mike Tyrel Salley vs. Warden Wallace, Kirkland Correctional Institution, C/A No. 2:21-03457-RMG-MGB;

8. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Robert Lee Steadman, II vs. Warden of Lieber Correctional Institution, C/A No. 9:21-cv-2397-DCN-MHC;

9. Counsel is preparing for the post-conviction relief hearing in the matter of Charles Davis Hayes vs. State of South Carolina, 2019-CP-12-0087 a Chester County matter;

10. Counsel is also preparing for another post-conviction relief hearing in the matter of Joshua William Porch vs. State of South Carolina, 2019-CP-40-04103 a Richland County matter;

11. Counsel for Respondent received a heart and kidney transplant in October of 2020 and has had complications from the heart condition resulting in a CT and MRI of the head conducted on or about September 15 and 16, 2021. As referenced in prior requests, counsel has suffered from repeated ocular migraine headaches which are possibly attributable to previous heart attacks and transplant medication. Counsel was also working remotely for a few days a week due to the possible COVID exposure;

12. Counsel is currently preparing the Return to Petition for Writ of Certiorari in this matter, as well as being involved in working **on other matters in state and federal court**;

13. Counsel was out of the office on Wednesday, February 2, 2022 and Thursday, February 3, 2022 for a procedure at Duke Medical Center relating to the heart and kidney transplant in October of 2020; and

14. Additionally, on Friday, February 25, 2022 counsel had abdomen surgery at Duke Medical Center as a result of said transplants.

WHEREFORE, for good cause shown, counsel respectfully requests a thirty (30) day extension of time to serve and file the Return to Petition for Writ of Certiorari. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

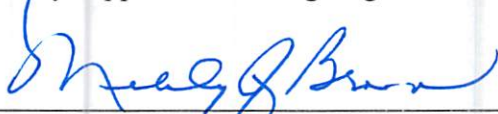
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ATTORNEYS FOR RESPONDENT

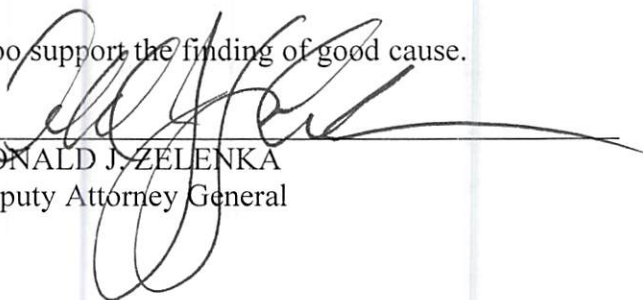
March 2, 2022.

I hereby support the finding of good cause.



MELODY J. BROWN
Senior Assistant Deputy Attorney General

I too support the finding of good cause.



DONALD J. ZELENKA
Deputy Attorney General