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Mar 31 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
In the Supreme Court

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

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STEPHEN C. STANKO,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2017-000211

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

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Respondent, by and through the undersigned attorneys, would respectfully move this Court for a **FOURTH** 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 Friday, April 1, 2022. The undersigned attorney for the Respondent moves that the time for return be extended by thirty (30) days up to and including May 2, 2022 for extraordinary circumstances shown. 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 and extraordinary circumstances:

1. Counsel prepared and filed 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 (Federal Habeas Corpus matter) on **March 9, 2022;**

2. Counsel is also been preparing for a post-conviction relief hearing in the matter of Joshua William Porch vs. State of South Carolina, 2019-CP-40-04103 (Murder), a Richland County matter, which was continued yesterday;

3. Counsel also prepared the initial draft of the Reply to the Brief in Opposition in the capital Federal Habeas matter of Sammie Louis Stokes vs. William R. Byars, Docket No. 21-938, currently pending in the United States Supreme Court, which consumed several days of work this week, and the final draft is **to be filed this week;**

4. Counsel prepared 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 (Federal Habeas Corpus) **filed on March 25, 2022;**

5. Counsel also prepared 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 (Federal Habeas Matter) **filed on March 28, 2022;**

6. Counsel is also currently preparing the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #56] in the matter of Eric Ancrum, #265645 vs. State of South Carolina, C/A No. 1:20-04264-DCC-SVJ (a federal habeas matter) **due next week on April 8, 2022;**

7. 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;

8. On Friday, February 25, 2022 counsel had abdomen surgery at Duke Medical Center as a result of said transplants. On March 17, 2022 counsel again had an appointment at Duke Medical Center for a follow-up to said surgery;

9. Counsel is out of the office today, March 30, 2022 due to migraines associated with said transplants, heart surgery, or medications;

10. Counsel has been involved in working **on other matters in state and federal court** including Orders and Report and Recommendations from U.S. District Court on federal habeas matters.

11. Counsel has been diligently been working on the Return to Certiorari in this matter and has completed approximately half of the same. Counsel will continue to work diligently on the same to have it timely filed. Counsel completed several of the matters above which were time sensitive, so counsel could focus on the Return to Certiorari in this matter.

WHEREFORE, for extraordinary circumstances 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  
S.C. Bar No. 14244

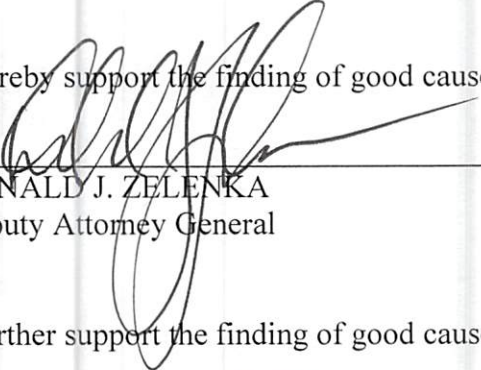
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By: s/J. Anthony Mabry  
J. ANTHONY MABRY  
ATTORNEYS FOR RESPONDENT

March 31, 2022.


I hereby support the finding of good cause.



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DONALD J. ZELENKA  
Deputy Attorney General

I further support the finding of good cause.



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ALAN WILSON,  
Attorney General