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Apr 27 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Georgetown County
The Honorable D. Craig Brown, Circuit Court Judge (*Robertson* Court)
The Honorable W. Jeffrey Young (PCR Court)
Appellate Case No. 2017-000211

STEPHEN C. STANKO,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION TO HOLD TIME LIMITS FOR FILING RETURN TO
PETITION FOR WRIT OF CERTIORARI IN ABEYANCE UNTIL
COURT HAS RULED ON MOTION TO FILE SUPPLEMENTAL
APPENDIX**

The undersigned counsel respectfully moves, on behalf of the Respondent, the State of South Carolina, to hold the time limits for filing the Return to Petition for Writ of Certiorari which is due to be filed on Monday, May 2, 2022, in abeyance until ten (10) days after this Court rules on Respondent's Motion to File a Supplemental Appendix.

In support of this motion, counsel would respectfully show the Court the following:

1. This is a consolidated capital PCR appeal from the denial of PCR by the Honorable W. Jeffrey Young [the 1st PCR Court] and the denial of relief after a *Robertson v. State*, 418 S.C. 505, 795 S.E.2d 29 (2016), hearing conducted by the Honorable D. Craig Brown [the 2nd PCR Court].

2. Respondent's Return to Petition for Writ of Certiorari is due to be filed on May 2, 2022.

3. Respondent filed a Motion to File Supplemental Appendix, together with proposed Supplemental Appendix on April 15, 2022, because Petitioner did not include in the Appendix with his Petition for Writ of Certiorari the record of the 1st PCR Court proceedings before Judge Young. (See Respondent's Motion to File a Supplement Appendix; Reply to Petitioner's Opposition to the Motion to File a Supplemental Appendix; *Robertson v. State, supra*; and this Court's Remand Order to Judge Brown for a Robertson hearing);

4. Counsel for Petitioner filed their Response in Opposition to Respondent's Motion to File Supplemental Appendix on April 25, 2022;

5. Respondent filed April 27, 2022 a Reply to Petitioner's Response in Opposition to Respondent's Motion to File Supplemental Appendix;

6. This Court has not been able to rule on the Motion to File a Supplemental Appendix at this time;

7. As a Result, Respondent seeks permission to await the Court's decision on the Motion to File Supplemental Appendix so as to be able to accurately cite to the Record in its Return to the Petition for Certiorari

WHEREFORE, Respondent hereby respectfully requests that this Court hold the time limits for filing the Return to Petition for Writ of Certiorari until ten (10) days after the Court's decision on the Motion to File the Supplemental Appendix.

RESPONDENT SO MOVES.

Respectfully submitted,

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April 27, 2022
Columbia, South Carolina