

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Appeal from Lancaster County  
Certiorari to the Court of Appeals  
Honorable Jeffrey Young, Circuit Court Judge  
Appellate Case Tracking Number 2013-000087  
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**RECEIVED**

MAY 15 2013

**S.C. Supreme Court**

THE STATE,

Respondent,

vs.

MICHAEL DONAHUE,

Petitioner.

\_\_\_\_\_  
**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH  
TO SERVE AND FILE  
RETURN TO PETITION FOR WRIT OF CERTIORARI**  
\_\_\_\_\_

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Return to the Petition for Writ of Certiorari is due to be served and filed today.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Respondent moves for a Third extension in the above referenced appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this Return on time. The

undersigned has completed briefs in State v. Pitts, State v. Johnson, and State v. Mozee. The undersigned has completed a Return to the Petition for Writ of Certiorari in State v. Samuel. Further, the undersigned has participated in oral argument at the Court of Appeals in State v. Wright, State v. Rogers, State v. Carter, State v. Collington, State v. Carlisle, and State v. Rhoad and in the Supreme Court in State v. Hercheck. Further the undersigned is completing a Return to a Petition for Writ of Certiorari to the United States Supreme Court and preparing for oral argument in State v. Tilmon.

### III.

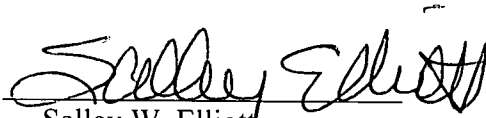
This extension request is not intended for purposes of delay, but rather to ensure that the Return is properly researched and prepared. The undersigned hopes to have the Return completed in a timely manner. I would therefore request a third extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter. Opposing counsel has been contacted and has consented to this request.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Return to the Petition for Writ of Certiorari in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Assistant Attorney General



Salley W. Elliott  
Senior Assistant Deputy Attorney General



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Columbia, SC 29211  
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ATTORNEYS FOR RESPONDENT

May 15, 2013

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THE STATE,

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**PROOF OF SERVICE**

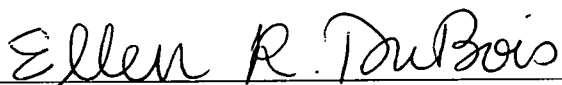
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I, Ellen DuBois, certify that I have served the Motion For Third Extension Of Time Within Which To Serve And File Return to Petition for Writ of Certiorari by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Wanda H. Carter, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.

This 15<sup>th</sup> day of May, 2013.

  
ELLEN R. DuBOIS  
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Post Office Box 11549  
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(803) 734-3727