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ATTORNEYS AT LAW

July 6, 2022

The Honorable Patricia A. Howard
Clerk of Court
The Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

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S.C. SUPREME COURT

Re: *Tamarquis Wingate vs. State of South Carolina*
Appellate Case No.: 2021-001329

Dear Ms. Howard:

My office filed a Notice of Appeal on November 15, 2021, appealing all rulings related to the Order of Dismissal of Appellant's Application for Post Conviction Relief filed October 20, 2021 in the above matter. As appellant was indigent, the appeal was assigned to the Office of Appellate Defense and specifically to Sarah E. Shipe, Esquire. On March 28, 2022, Ms. Shipe requested the first of three (3) extensions of time to serve and file the petition for writ of certiorari and appendix. Following the third extension request, the Court issued an Order dated May 27, 2022 granting the extension and referencing the March 18, 2009 order of the Supreme Court of South Carolina regarding extensions. The Court extended the time to serve and file the petition for writ of certiorari and appendix until June 27, 2022.

On June 16, 2022, Ms. Shipe filed a Motion for Appointment of Outside Counsel, citing a conflict of interest with the Office of Appellate Defense given the nature of the allegations made by Appellant in his Post Conviction Relief Application. The Motion also requested that the Court stay the deadlines for serving and filing the petition for writ of certiorari and appendix pending a decision of the Motion. By Order dated June 28, 2022, the Court granted Ms. Shipe's motion and appointed the undersigned, who represented Appellant before the PCR court. The Court's Order was silent as to the deadlines to serve and file the petition for writ of certiorari and appendix.

Given that counsel was appointed to represent Appellant after the deadline for serving and filing the petition for writ of certiorari and appendix, counsel respectfully requests a 30 day extension from the date of his appointment to complete the petition for writ of certiorari and appendix. Counsel contends that his appointment, following the exhaustion of three extensions, are evidence of the existence of extraordinary circumstances, and has taken

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action to ensure that no further extension will be required, including contacting the necessary parties and reserving sufficient time to complete the petition for writ of certiorari and appendix.

Please accept this letter as our request for a thirty (30) day extension of time to file the petition for writ of certiorari and appendix, which by my calculation, would make the new due date July 28, 2022.

Should you have any questions or need additional information, please do not hesitate to contact our office. My telephone number is 803-335-1449. Thank you for your assistance with this matter.

Sincerely,



Jonathan D. Waller
SC Bar No.: 76290



Kevin Molony
Partner, Angell Molony, LLC

Cc: D. Russell Barlow, II, Esquire