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SEP 16 2022

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

S.C. SUPREME COURT

Appeal From Court Of Common Pleas

Honorable L. Casey, Manning, Circuit Court Judge

Case No. #2021-001770

Gary Anthony White, Jr. Petitioner,

vs.

State of South Carolina Respondents.

NOTICE OF MOTION AND MOTION TO ENLARGE
TIME, PURSUANT TO RULE 263(b), SCACR

This matter comes before this Honorable Court where this pro se Petitioner, Gary Anthony White, Jr. #309726, would respectfully seek an enlargement of time of thirty (30) days beyond the already calculated time. This enlargement is sought pursuant to Rule 263(b), SCACR. (Rule 263(b), provides in pertinent part: "The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended ... by the appellate court, or by any Judge or Justice thereof").

It is this Petitioner's belief, and position, that this Motion is a proper vehicle, and mechanism, in which to seek the relief sought herein. This Motion is not sought as a means to cause undue delay, nor waste the time and resources of any party associated herewith, to include this Court. It is an effective way to request the relief sought herein, i.e., enlargement of time, in order for Petitioner to prepare, copy, research, and serve the Johnson Brief. Without this additional time, Petitioner could suffer dismissal of his case, that would cause him the denial of justice by dismissing his case.

Petitioner served a notice of appeal, where he had pursued a second Post-Conviction Relief (PCR) application. This PCR raised issues of newly disclosed information; PCR counsel failed to pursue Petitioner's "one bite at the apple"; and an actual conflict of interest claim.

On June 29, 2022, this Court served an notice of forty-five (45) days to file a pro se Johnson Brief. This notice was served on July 5, 2022, via Institutional Legal Mail Services,

On July 18, 2022, Petitioner served a formal correspondence upon this Court informing this Court that, there was a failure on the part on Appellate counsel to properly and timely provide Petitioner a copy of the Johnson Brief and Appendix. Also, on July 19, 2022, Petitioner served upon Appellate counsel a formal correspondence inquiring as to the Johnson Brief that the Clerk's Office had notified him had been filed in relations to this case.

On July 22, 2022, Appellate counsel served a correspondence upon Petitioner stating that she had mailed the Appendix and a copy of the Johnson Brief. On August 5, 2022, Petitioner received a copy of the Appendix and Johnson Brief from Appellate counsel.

Since the service of the Appendix and Johnson Brief, there has been two (2) separate incidents where

Petitioner's living unit [Q4] has been locked down because of inmates either: (1) having an inmate infected with a strain of COVID, and in an effort locked down and/or quarantined to keep from infecting other inmates or staff members; and (2) three living units were placed upon quarantine for several inmates testing positive for COVID and isolating an entire Unit. Petitioner's living unit has recently been taken off quarantine due to inmates testing positive for COVID. As a general rule, a living unit stays locked down for ten (10) to fourteen (14) days.

Quarantine is when the living unit is totally placed on lock down and there is no movement whatsoever coming into and out the unit infected. This includes, jobs, mail room services, Law Library, Education, etc., and any and all inmates are confined to their cells. Petitioner has been placed into a situation where he has been denied legal research materials, photocopying, mail room service and other valuable resources in being able to utilize for purpose of preparing the Pro Se Johnson Brief.

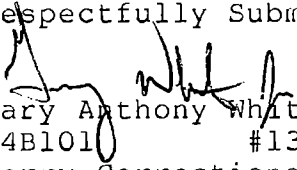
Petitioner believes that he has stated sufficient grounds for this Court to grant the relief sought herein as the granting of an additional thirty (30) days time so that he may have sufficient time for the research, preparation, copy and serve the Pro Se Johnson Brief. It is with this Petitioner's position that he should be granted said relief.

CONCLUSION

WHEREFORE, Petitioner prays this Court grant this Motion To Enlarge Time, extending the time granted by thirty (3) days, for the foregoing reasons.

September 13, 2022

Respectfully Submitted,


Gary Anthony White, Jr.
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PRO SE PETITIONER

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