

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Spartanburg County
Honorable J. Derham Cole, Circuit Court Judge

Appellate Case No. 2019-001296

RECEIVED

Oct 18 2022

S.C. SUPREME COURT

Carl Ray Fraley, Jr.,

Appellant,

v.

State of South Carolina,

Respondent.

MOTION FOR EXTENSION OF TIME AND OTHER RELIEF

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The Motion for Extension of Time and Other Relief is being made pursuant to Rule 240 of the Appellate Court Rules. The undersigned attorneys, Richard W. Vieth and Stanley T. Case, hereby file this Motion for an extension of time to file the Petition for Certiorari to the Court of Appeals in the above-captioned matter.

This Motion for the extension of time is based on the following grounds which involve the fact that the office staff did not advise counsel that an email was forwarded to counsel on or about August 12, 2022, which advised that Counsel's Petition for Rehearing had been denied by the Court of Appeals.

Attorney Richard W. Vieth was involved in a serious automobile accident in April of this year on a return trip from Florence, South Carolina. He had attended a hearing in the Federal Court in Florence, South Carolina on a case in which he had been appointed as counsel for a Defendant in a criminal matter. Subsequently, attorney Richard W. Vieth received intensive medical treatment and a determination was made that, in addition to his injuries, he also required treatment for ALS. On August 11, 2022, attorney Richard W. Vieth was driven by his wife to Florence, South Carolina, to attend another hearing in the Federal Court. Attorney Vieth has remained under his doctor's care. Attorney, Stanley T. Case, practices primarily from his home and his secretary retired in April 2022.

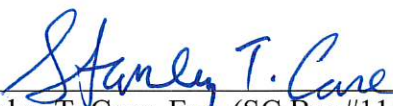
Due to a lack of communication by office staff, counsel for the Appellant were under the impression that the Court of Appeals denied the Petition for Rehearing on September 19, 2022, the date the Remittitur was issued.

Attorney Case first learned that the Court of Appeals had issued an Order which denied the Petition for Rehearing on August 12, 2022 in a conversation with Brenda F. Shealy, the Deputy Clerk of Court of the Supreme Court of South Carolina. Attorney Case had calculated the

time for the filing of the Petition for Certiorari to the Court of Appeals from September 19, 2022 and counsel were preparing to file the Petition for Certiorari on October 18, 2022, when it became apparent that a Petition for Extension of Time would be required in this matter.

In addition to the request for an extension of time, the Appellant Carl Ray Fraley, Jr. through his undersigned counsel, requests, pursuant to Appellate Court Rule 242, that the Supreme Court, or any two (2) justices thereof, on its own Motion, issue a Writ of Certiorari to the Court of Appeals to review the final decision of the Court of Appeals in this matter.

Accordingly, the undersigned counsel hereby request that the Court extend the time of filing the Petition for Certiorari for the Court of Appeals until October 19, 2022 and also request that the Supreme Court or any two (2) justices thereof, issue a Writ of Certiorari to the Court of Appeals in this matter.


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