

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Richland County  
M. Rita Metts, Circuit Court Judge  
Appellate Case No. 2022-000679

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RECEIVED

Jan 24 2023

S.C. SUPREME COURT

ROOSEVELT DOCTOR,

a/k/a ROSEVELT DOCTOR #186661,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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**Petition to File Petition for Writ of Certiorari and Appendix  
Out-of-Time  
And  
Petition for an Extension of Time in Which to File  
Petition for Writ of Certiorari and Appendix.**

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NOW COMES the Petitioner in the above captioned Post-Conviction Relief Appeal, acting by and through his undersigned Counsel. Petitioner's request that undersigned counsel be substituted as Counsel-of-Record for the above captioned Appeal was filed on January 5, 2023 and was granted on January 11, 2023. That Petition did not include a request that Petitioner's time limits be run from the date of the Order of Substitution. Counsel erroneously believed that the due date for the service and filing of the Petition for Writ of Certiorari and the Appendix would automatically be set from the date she became counsel of record and, therefore, the due date for the filing of the Petition for Writ of Certiorari and Appendix was incorrectly calendared for thirty days from the date of the Order of Substitution which by her calculation put the certiorari petition and appendix due on February 10, 2023. In the absence of the language in question, the Court Calendar reflected a due date of January 11, 2023, the same date as Counsel's became Counsel of Record in this matter.

In light of the above, Counsel requests that she be permitted to file the Petition for Writ of Certiorari, with Appendix, out-of-time and that she be granted a thirty (30) day extension of time in which to serve and file the petition and appendix. Counsel has spoken to opposing counsel, Julianna Battenfield, Esquire, and she has graciously consented to both the Petition to serve and file the Petition for Writ of Certiorari out of time and the Petitioner's request for a thirty (30) day extension of time in which to serve and file the Petition for Writ of Certiorari and the Appendix.

Respectfully submitted,

S/ *Tara D. Shurling*

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ATTORNEY FOR PETITIONER

This 24<sup>th</sup> day of January, 2023