

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Cherokee County

Honorable Grace Gilchrist Knie, Circuit Court Judge

JAY WALTER TATE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-001358

MOTION FOR AN EXTENSION OF TIME
TO FILE THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

Counsel for Jay Walter Tate respectfully requests an extension of thirty (30) days from January 27, 2023 until February 27, 2023, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.
2. Counsel for Jay Walter Tate respectfully submits that extraordinary circumstances

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exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

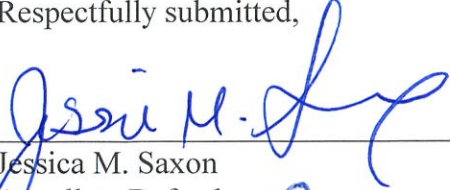
3. Counsel filed the Reply to Return to Petition for Writ of Certiorari Pursuant to Mack v. State in the case of John Willie Mack, Sr. v. The State with the Court of Appeals on January 13, 2023. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Samuel Jeter v. The State with this Court on January 6, 2023. Counsel filed the Petition for Certiorari to the Court of Appeals and the Appendix in the case of The State v. Amy N. Taylor with this Court on December 6, 2022. Counsel filed the Petition for Writ of Certiorari and the Appendix in the case of Toaby Alexander Trapp v. The State with this Court on November 18, 2022.

4. Counsel makes this request in good faith and not for purpose of delay.

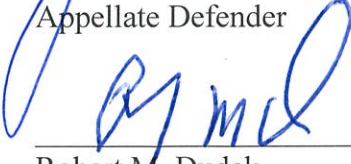
5. On December 28, 2022, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from January 27, 2023 until February 27, 2023, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 27th day of January, 2023.