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Feb 13 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Dorchester County

Honorable Robert J. Bonds, Circuit Court Judge

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HERBERT LEROY HOLMES,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-001369

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

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Counsel for Herbert Leroy Holmes respectfully requests a **final thirty (30) day extension, from February 13, 2023 until March 15, 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 third 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 Herbert Leroy Holmes respectfully submits that extraordinary

circumstances 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.

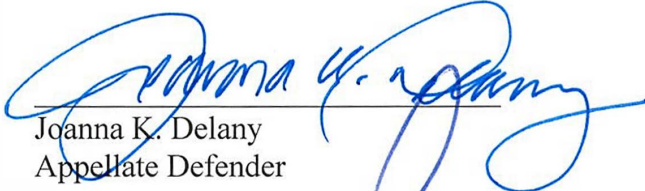
3. Counsel appeared for Oral Argument before this Court in the case of The State v. Randy Wright on February 8, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Eryk J. Smith with the Court of Appeals on January 30, 2023. Counsel filed the Brief of Petitioner in the case of Richard Kenneth Galloway v. The State with this Court on January 25, 2023. Counsel filed the Brief of Petitioner in the case of The State v. Eric Emanuel English with this Court on December 21, 2022. Counsel filed the Final Brief of Appellant in the case of The State v. Terry Gerrard Gridine with the Court of Appeals on December 19, 2022. Counsel filed the *Anders* Brief of Appellant and Record on Appeal in the case of The State v. Joseph Cooper with the Court of Appeals on December 15, 2022. Counsel filed the *Anders* Brief of Appellant and Record on Appeal in the case of Robert Lee Carter, Jr. v. The State with the Court of Appeals on December 9, 2022. Counsel filed the Reply to Return to Petition for Writ of Certiorari Pursuant to *Austin v. State* in the case of Ronnie C. Swofford, Jr. v. The State with this Court on December 7, 2022. Counsel appeared for Oral Argument in the case of The State v. Rodney Furtick before the Court of Appeals on December 6, 2022.

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

5. On February 1, 2023, opposing counsel, the Attorney General's Office, 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 February 28, 2023.


WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from February 13, 2023 until March 15, 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 filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Joanna K. Delany  
Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender

This 13th day of February, 2023.