

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

RECEIVED

Feb 21 2023

S.C. SUPREME COURT

ROOSEVELT DOCTOR, #186661,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**THIRD MOTION FOR AN EXTENSION OF TIME
IN WHICH TO PREPARE, SERVE AND FILE
THE PETITION FOR WRIT OF CERTIORARI AND APPENDIX
IN THE ABOVE CAPTIONED PCR APPEAL**

The Petition for Writ of Certiorari and Appendix in this matter were due for service and filing on February 10, 2023. At that time, undersigned counsel had received two previous extensions in this matter. The first was due to the fact that Counsel was unaware that she needed to expressly request that Petitioner's time limits be run from the date she was substituted as counsel of record. Thereafter, Counsel realized she should have requested a full thirty (30) day extension and filed a request for an additional fifteen additional days.

More recently Counsel submitted another request for additional time and mistakenly referenced it as a *second* request. Counsel submits that she made that mistake because she counted the first two requests as one extension request inasmuch as together the first and second amounted to a thirty day request. Thereafter, when she requested another extension of thirty (30) additional days on February 10, 2023, she inadvertently neglected to attach her Motion for a Third extension to her transmittal email intended to accompany the actual motion. After that, Counsel somehow

missed an obvious scrivener's error in an email from, Ms. Ethel Clark, dated February 15, 2023. The word *not* was left out of that email and Counsel read the email as a notice of receipt. In retrospect, Counsel realizes she should have caught that typo. The email stated, "*There was attachment connected to this mail.*" Counsel acknowledges that she must have been in a hurry when she read that email or she likely would have caught that omission. Counsel apologizes for that oversight.

Counsel had been provided the majority of the documents she needs to compile the Appendix in this matter by SCCID by the date of my third extension request. They did not, however, provide her a copy of the PCR hearing transcript. Counsel has ordered a digital copy of the PCR hearing transcript and a hardcopy as well. Counsel hopes to have this record by Wednesday. She will notify the Court as soon as she receives this transcript. For these reasons, Counsel respectfully requests a thirty (30) day extension of time in which to prepare, serve and file the Petition for Writ of Certiorari and Appendix in this PCR appeal. Counsel will very much appreciate having her filing deadlines set from the date she receives the PCR hearing transcript necessary for this PCR appeal. Counsel asks opposing counsel, Julianna E. Battenfield, to convey her position on this request directly to this Honorable Court.

Respectfully submitted,

s/ *Tara D. Shurling*

Tara Dawn Shurling
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