

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED
Feb 27 2023
S.C. 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 TO SERVE AND FILE
THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

Counsel for Jay Walter Tate respectfully requests a **final thirty (30) day extension, from February 27, 2023 until March 29, 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 Jay Walter Tate 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 will file the Initial Brief of Appellant and Designation of Matter in the case of The State v. Terry Shaimek Tyler with the Court of Appeals today, February 27, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Charles Bridges v. The State with this Court on February 16, 2023. Counsel filed the Brief of Petitioner in the case of Devatee Clinton v. The State with the Court of Appeals on February 8, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of Samir Kevin Shank v. The State with the Court of Appeals on February 2, 2023. Counsel filed the *Anders* Brief of Appellant and the Record on Appeal in the case of the State v. Bobby Ray McClure, Jr. with the Court of Appeals on January 30, 2023. 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 Johnson Petition for Writ of Certiorari in the case of Samuel Jeter v. The State with this Court on January 6, 2023.

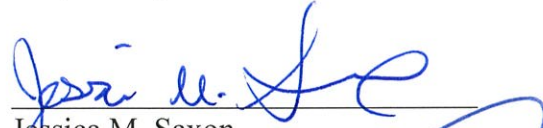
4. Counsel makes this request in good faith and not for purpose of delay.

5. On February 1, 2023, 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 February 28, 2023.

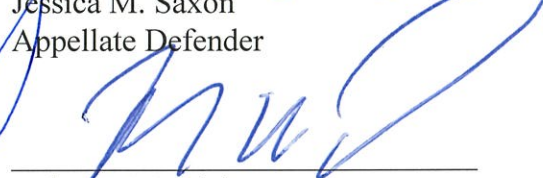
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from February 27, 2023 until March 29, 2023**, in which to serve and file the

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,



Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 27th day of February, 2023.