

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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May 11 2023

S.C. SUPREME COURT

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Certiorari to the Court of Appeals
On Appeal from Pickens County
Honorable Donald Hocker, Circuit Court Judge

BRANDON CLARK,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

Appellate Case No. 2023-000641

—————
MOTION FOR EXTENSION OF TIME TO SERVE AND FILE
PETITION FOR WRIT OF CERTIORARI AND APPENDIX
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Counsel for Petitioner respectfully requests an extension of five (5) days. This is a second request for extension. Previously this court granted petitioner an extension of 20 days. In support of this motion, counsel shows:

1. The Petition for Writ of Certiorari in this case is due to be filed and served on May 15, 2023.
2. Mindful of the Court's order of July 16, 2014, Counsel for Petitioner respectfully submits that extraordinary circumstances outside of her control warrant the grant of this brief extension.
3. Counsel assumed the role of Circuit Public Defender for the Ninth Circuit in August of 2022. At that time, she had been representing Petitioner in this matter since December of 2019 and all briefing in the matter before the Court of Appeals

was complete. Oral Argument was held before the Court of Appeals on October 5, 2022. The Court of Appeals filed a dispositional opinion on February 8, 2023. Counsel timely filed a petition for rehearing on February 23, 2023. That petition was denied on March 24, 2023. With consent of the assigned assistant attorney general, counsel requested an extension of the time to file the petition on April 24, 2023, and this court granted an extension until May 15, 2023.

4. As Circuit Public Defender for the Ninth Circuit, counsel has a wide range of duties, from in-court representation to hiring and management of our circuit's more than seventy employees; from advocating before the county councils and leadership of our constituent counties for funding and office space, to supervising attorneys in plea and trial court; from addressing conditions of confinement in our jails, to planning large-scale technology projects to accommodate the seemingly endless increase in the size and complexity of digital discovery.
5. Counsel carries a reduced case load in order to account for these other duties. Even with a reduced case load, counsel regularly appears in court either as counsel of record or as representative of the office. Between the initial extension request on April 24 and the current due date of May 15, counsel has appeared or will appear as counsel of record in circuit court bond hearings to set or revoke bond, in an NGRI readmission hearing, at a hearing set by our chief administrative judge to clarify representation for scores of unrepresented cases that have lingered since the pandemic, and in various status conferences to address the management of the criminal trial docket. Counsel has also attended portions of several trials in a supervisory capacity, including one lawyer's first trial as a first-chair lawyer.
6. In addition to scheduled hearings, counsel has attended meetings to conduct detailed budget review with the Berkeley County supervisor and to address budget and space issues with the Charleston County Administrator. Counsel has toured office space with our county real estate office to address overcrowding in both offices and the future space needs that will arise from the expected increase in

public defenders mandated by the upcoming FY2024 state budget. Counsel has also traveled to Columbia to present at a continuing legal education seminar that was scheduled well in advance of receipt of the Court of Appeals' dispositional order the date of which drives the due date in this matter.

7. All of these above-listed appearances and obligations were contemplated in the original request for an extension.
8. But in addition to the regular demands of counsel's role as Circuit Defender as detailed above, in the past five days counsel's office was dealt a blow that affects her ability to complete the petition by May 15, 2023.
9. On Thursday, May 4, 2023, James "Jim" Falk called the undersigned to make her aware that he was being suspended from the practice of law and would be unable to work his scheduled shifts indefinitely. He had worked for several years as a part-time public defender in Charleston County consolidated bond court and will not be easily replaced. His formal suspension was made public by order of this Court on Monday, May 8. Counsel has been addressing the associated logistical challenges since that time, demanding both time and attention.
10. Early this morning, May 10, 2023, counsel learned Jim had been missing from his home since yesterday morning. At the request of those close to him, counsel spent time this morning reaching out to people who might have last seen or spoken to him. Within an hour of the first phone call, counsel learned that concerned colleagues had located him at his office. He was already deceased by the time he was found.
11. This news is personally devastating to the undersigned and to many in the Office of the Ninth Circuit Public Defender, as many in the office have worked closely with Jim for years. Counsel has spent most of the rest of this day notifying staff individually of their colleague's death; spending time with employees who are in shock and grieving; and working with the administering county's human resources

office to arrange a therapeutically facilitated meeting to address the awful news.

That meeting took place today, May 10, 2023, between 3PM and 5PM.

12. Counsel represents that the circumstances of this event will have long-lasting effects on her and her staff and affect her ability to complete work on the Petition for Writ of Certiorari and Appendix within the next week.

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

14. On May 10, 2023, Assistant Attorney General Ambree Mueller consented to this extension request in writing via email.

WHEREFORE, the undersigned respectfully requests a five-day extension in which to file and serve the Petition for Writ of Certiorari and Appendix in this case. 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,

/s/ Cameron Jane Blazer

Cameron Jane Blazer
Ninth Circuit Public Defender
Attorney for Petitioner Brandon Clark

This 10th Day of May, 2023.