

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Jun 26 2023

S.C. SUPREME COURT

Certiorari to Horry County
The Honorable Benjamin H. Culbertson, Trial Judge
Appellate Case No. 2023-000633

The State,

Respondent,

vs.

Philip David Guderyon,

Petitioner.

**MOTION FOR FIFTH, FIVE-DAY EXTENSION OF TIME TO SERVE AND FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI BASED ON
EXTRAORDINARY CIRCUMSTANCES**

Respondent, through its undersigned counsel, would respectfully show unto this Court:

I.

The Return to Petition for Writ of Certiorari is to be served and filed June 26, 2023.

II.

Pursuant to RE: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals Order of the South Carolina Supreme Court issued July 16, 2014, the Respondent moves for a fifth, five-day extension in the above referenced appeal. The undersigned believes extraordinary circumstances exist to warrant this fifth, five-day extension due to unexpected and significant staffing issues within the Post Adjudication section of the Attorney General's Office as well as my necessary absence at the end of last week to attend the funeral of my uncle. Additionally, the undersigned was not the original attorney assigned this case for briefing at the Court of Appeals but, instead, inherited it from an attorney who left the office. As a result, the rationale of this Court's Order of July 16, 2014, is not as applicable in this

case as in ones handled by the undersigned initially. In the last two weeks, the undersigned has filed the Return to Petition for Writ of Certiorari in the Original Jurisdiction of the Supreme Court in Folkes v. State, the return in Tabron v. State, and the Return to Petition for Writ of Certiorari in Williams v. State, State v. Fulton, and State v. Davis. Prior to that, the undersigned filed the Return to Petition for Rehearing in Torrence v. State and the Return to Petition for Writ of Certiorari in Trapp v. State and McQuarters v. State. Due to the issues raised and work required in other cases pending before this Court and the South Carolina Court of Appeals as well as my unexpected need to travel out of state to attend the funeral, I was unable to complete this return on time. The return in this case is the next task the undersigned plans to complete.

III.

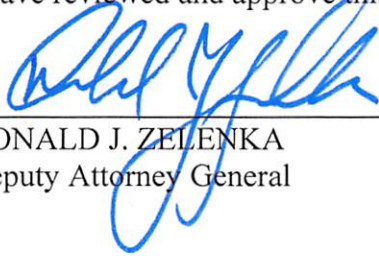
This extension request is not intended for purposes of delay, but rather to ensure the return is properly researched and prepared. I would, therefore, request this Court in this extraordinary circumstance to relax the timeline established in Order Re: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals issued July 16, 2014, and allow a fifth and final five-day extension of time within which to serve and file the Return to Petition for Writ of Certiorari.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion and extend the deadline for the service and filing of the Return to Petition for Writ of Certiorari in this case for five (5) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

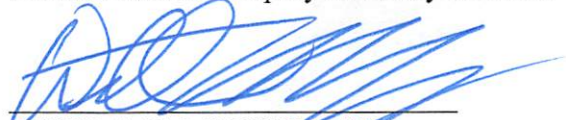
I have reviewed and approve this request:



DONALD J. ZELENKA
Deputy Attorney General

June 26, 2023

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General



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