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Sep 13 2023

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

APPEAL FROM LEXINGTON COUNTY
In the Court of General Sessions

The Honorable Frank Addy, Jr., Circuit Court Judge

Unpublished Opinion No. 2023-UP-258

State of South Carolina Respondent

v.

Terry Renee McClure Petitioner

**PETITIONER’S MOTION TO EXTEND THE DEADLINE
FOR FILING A PETITION FOR WRIT OF CERTIORARI**

Petitioner, pursuant to Rule 240, SCACR, respectfully moves for an Order extending the deadline for filing his Petition for Writ of Certiorari.

Petitioner’s appeal was heard on April 10, 2023, and the Court of Appeals filed an unpublished opinion affirming his convictions on July 12, 2023. Petitioner timely filed a Motion for Rehearing pursuant to Rule 221, SCACR, and the same was denied on August 18, 2023. Thus, pursuant to Rule 242, SCACR, Petitioner’s deadline to file his Petition for Writ of Certiorari (“Petition”) is September 17, 2023.

Petitioner is currently incarcerated at McCormick Correctional Facility (“McCormick”) and has had difficulties communicating with counsel. Petitioner’s appellate counsel was able to speak with Petitioner over the phone immediately following the issuance of the order denying rehearing. During this phone call, Petitioner’s counsel explained the ruling, discussed next steps,

and agreed to follow up with Petitioner after a few days so that Petitioner could have time to reach a decision. Thereafter, Petitioner's appellate counsel consistently reached out to prison staff at McCormick for weeks to organize a meeting or phone call with Petitioner, but such requests were not responded to and/or such meetings or communication were never scheduled. As a result, Petitioner had no ability to communicate with counsel regarding his potential Petition. Petitioner's counsel was unable to speak with Petitioner until September 13, 2023, the same day this Motion is submitted.

Accordingly, based on the circumstances described above, Petitioner requests this deadline extension so that he may be afforded adequate time to prepare his Petition. Petitioner's request to extend the deadline is not made for the purposes of delay, but to ensure that he is not deprived of the opportunity to further challenge his convictions.

Petitioner would further note that this Motion should not constitute an official notice of appearance of his appellate counsel, as Petitioner has not made the final decision regarding whether to retain the same counsel before the Supreme Court. Rather, Petitioner's appellate counsel is filing this motion to ensure that Petitioner is afforded enough time to make informed decisions regarding his next steps and to prepare accordingly.

Respectfully submitted:



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PROOF OF SERVICE

I certify that on September 13, 2023, I served Petitioner’s Motion to Extend the Deadline to File a Petition for Writ of Certiorari on Respondent by emailing it to Respondent’s attorneys of record, Joshua A. Edwards and Melody Jane Brown, at jedwards@scag.gov and mbrown@scag.gov respectively.

Respectfully submitted:

September 13, 2023

Columbia, SC



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