

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Cherokee County

Honorable Brian M. Gibbons, Circuit Court Judge

JASON S. SIMMONS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000447

MOTION FOR AN EXTENSION TO SERVE AND FILE
THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

Counsel for Jason S. Simmons respectfully requests a **final thirty (30) day extension, from September 15, 2023, until October 16, 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 Jason S. Simmons respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

RECEIVED

Sep 15 2023

S.C. SUPREME COURT

number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

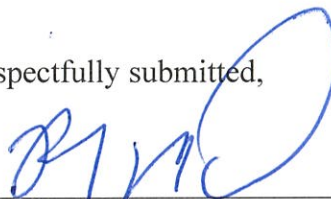
3. Counsel filed the Brief of Appellant and the Record on Appeal in the case of The State v. Ricky D. Edwards with the Court of Appeals on Friday, August 18, 2023. Counsel filed the Petition for Rehearing in the case of The State v. John Ernest Perry with this Court on August 9, 2023. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Shannon Lamont Ziquan Johnson with the Court of Appeals on August 7, 2023. Counsel appeared as a witness in the PCR hearing in the capital appeal case of The State v. Ricky Lee Blackwell at the Laurens County Courthouse on July 31, 2023. Counsel filed the initial brief of appellant and designation of matter in the three-issue murder case of The State v. Larry Ja Juan Scipio with the Court of Appeals on July 21, 2023. Counsel filed the Petition for Stay of Execution in the case of The State v. Timothy Ray Jones with this Court on July 20, 2023. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Pedro Cervantes Rodriguez with the Court of Appeals on Wednesday, July 19, 2023. Counsel, with co-counsel Lara M. Caudy, filed the Petition for Rehearing in the case of The State v. Tammy Caison Moorer with the Court of Appeals on July 19, 2023. Counsel, with co-counsel David Alexander, filed the Petition for Rehearing in the death penalty case of Andres Antonio Torres v. The State with this Court on July 11, 2023. Counsel was a trainer on error preservation and a co-group session leader at the Public Defense 103 Seminar in Greenville, South Carolina from July 5-7, 2023. Counsel also filed the Initial Brief of Appellant and Designation of Matter in the murder case of The State v. Gabriel Dantray Curry with this Court on June 30, 2023. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

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

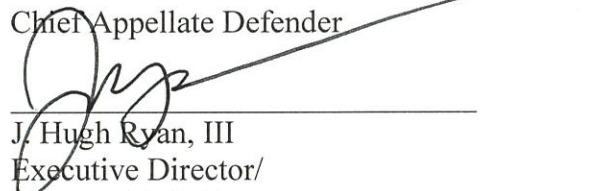
5. On September 1, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension from September 15, 2023, until October 16, 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,



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 15th day of September, 2023.