

RECEIVED

Oct 09 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Horry County

Honorable Debra R. McCaslin, Circuit Court Judge

JOSHUA W. MAIDEN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000642

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

Counsel for Joshua W. Maiden respectfully requests a **final thirty (30) day extension out-of-time, from October 9, 2023, until November 8, 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 was due to be served and filed with the Court on October 5, 2023. However, due to administrative error, the extension was not timely filed. Upon realizing the error, counsel acted immediately to prepare the extension and file it with this Court.

2. Counsel for Joshua W. Maiden 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 his caseload, counsel hopes that no further extension requests will be required.

3. Counsel is presenting the Case Law Update presentation for the South Carolina Public Defenders Convention today, October 9, 2023. Counsel filed the Brief of Appellant and Record on Appeal in the case of The State v. Deavion Jahquwan Burgess with the Court of Appeals on September 29, 2023. Counsel along with co-counsel, Lara M. Caudy, filed an amended petition for writ of certiorari to the Court of Appeals in the case of The State v. Tammy Caison Moorer with this Court also on September 29, 2023. Counsel is preparing for his Case Law Update presentation for the South Carolina Public Defenders Convention which is from October 9-11, 2023. On September 13, 2023, Counsel presented oral argument in the case of The State v. Robert X. Geter in the Supreme Court. 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 filed the Initial Brief of Appellant and Designation of Matter in the murder case of The State v. Quinterious R. Truesdale with the Court of Appeals on June 30, 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 the Court of Appeals 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 October 3, 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 October 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension out-of time, from October 9, 2023, until November 8, 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,

s/Robert M. Dudek
Robert M. Dudek
Chief Appellate Defender

This 9th day of October, 2023.