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**Dec 20 2023**

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Spartanburg County

Honorable Brian M. Gibbons, Circuit Court Judge

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GABRIEL RIOS,

RESPONDENT,

V.

STATE OF SOUTH CAROLINA,

PETITIONER.

APPELLATE CASE NO. 2023-000378

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MOTION TO FILE EXTENSION REQUEST OUT OF TIME  
AND FOR A THIRTY DAY EXTENSION

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The undersigned counsel respectfully requests the Court allow counsel to file an extension request to serve and file the return to the petition for writ of certiorari in the above referenced case out of time. Counsel also respectfully requests a thirty day extension in which to serve and file this return. In support of this motion, counsel submits the following:

1. The return to the petition for writ of certiorari was due to be served and filed with this Court on December 18, 2023. No prior extensions have been requested.
2. Due to a calendaring error, the first motion for an extension of time to serve and file the return to the petition for writ of certiorari was not timely filed with this Court.

3. Counsel respectfully requests a thirty day extension of time in which to serve and file the return to the petition for writ of certiorari due to her heavy workload.

4. Counsel makes this request in good faith and not for purposes of delay. Counsel intends to continue to work on cases with more than two extensions first so that her caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On December 4, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of a general consent granted in writing by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through December 31, 2023.

WHEREFORE, based upon the above showing, counsel for Respondent respectfully requests the Court allow counsel to file an extension request to serve and file the return to the petition for writ of certiorari in the above referenced case out of time, and for a thirty day extension in which to serve and file this return.

Respectfully submitted,



Lara M. Caudy  
Appellate Defender

ATTORNEY FOR RESPONDENT

December 20, 2023