

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Jan 17 2024

S.C. SUPREME COURT

Certiorari to Spartanburg County

Honorable Brian M. Gibbons, Circuit Court Judge

GABRIEL JON RIOS,

RESPONDENT

V.

STATE OF SOUTH CAROLINA,

PETITIONER

APPELLATE CASE NO. 2023-000378

MOTION FOR AN EXTENSION OF TIME TO FILE
THE RETURN TO THE PETITION FOR WRIT OF CERTIORARI

Counsel for Gabriel Jon Rios respectfully requests an extension of thirty (30) days in which to serve and file the Return to the Petition for Writ of Certiorari in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Return to the Petition for Writ of Certiorari is due to be served and filed with the Court today.

2. Counsel for Gabriel Jon Rios 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 her

caseload, counsel hopes that no further extension requests will be required.

3. On January 17, 2024, counsel filed the initial brief of appellant and designation of matter in The State v. Reno Blakely with the Court of Appeals. On January 9, 2024, counsel had an oral argument in The State v. Stacardo Grissett before the Supreme Court. On January 8, 2024, counsel filed the petition for writ of certiorari and accompanying appendix in William Funderburke v. The State with the Supreme Court. On December 21, 2023, counsel filed the petition for writ of certiorari to the Court of Appeals in James Carrier v. The State with the Supreme Court. On December 20, 2023, counsel filed the petition for writ of certiorari, petition for writ of certiorari pursuant to Austin v. State, and accompanying appendix in Tara Weber v. The State with the Supreme Court. On December 11, 2023, counsel filed the petition for writ of certiorari and accompanying appendix in Jacory Foster v. The State with the Supreme Court. On December 6, 2023, counsel had an oral argument in Rodney Bryan v. The State before the Court of Appeals.

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

5. On January 2, 2024, 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 January 31, 2024.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension in which to serve and file the Return to the Petition for Writ of Certiorari in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Return to the Petition for Writ of Certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Lara M. Caudy
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 17th day of January, 2024.