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Feb 16 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE 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 TO SERVE AND FILE
THE RETURN TO THE PETITION FOR WRIT OF CERTIORARI

Counsel for Gabriel Jon Rios respectfully requests a **final thirty (30) day extension, until March 18, 2024**, 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 third 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.

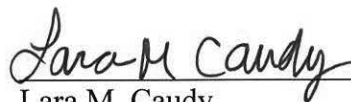
3. On February 2, 2024, counsel, along with co-counsel, filed a reply in State of South Carolina v. Timothy Ray Jones, Jr. with the United States Supreme Court. On January 24, 2024, counsel filed the initial brief of appellant and designation of matter in The State v. Clayton Thomas Jones with the Court of Appeals. On January 18, 2024, counsel filed an amended application for post-conviction relief in Artrell Hickson v. The State with the Aiken County Clerk of Court. 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.

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

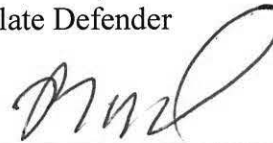
5. On January 31, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through February 29, 2024.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until March 18, 2024**, 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 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 16th day of February, 2024.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Spartanburg County

Honorable Brian M. Gibbons, Circuit Court Judge

GABRIEL JON RIOS,

RESPONDENT

V.

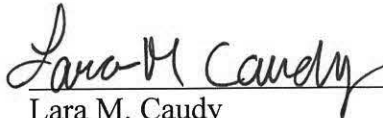
STATE OF SOUTH CAROLINA,

PETITIONER

APPELLATE CASE NO. 2023-000378

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the motion for extension in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 16th day of February, 2024.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR RESPONDENT