

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

AUG 26 2013

Appeal from Richland County
Knox McMahon, Circuit Court Judge

S.C. Supreme Court

KEITH SIMS,

PETITIONER,

V.

THE STATE,

RESPONDENT.

Appellate Case No. 2012-213330

**UNOPPOSED PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI**

The undersigned counsel would respectfully request a **third and final three-week** extension in which to file the Petition for Writ of Certiorari in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The Petition for Writ of Certiorari this case are due to be served and filed today having been extended one prior time since Counsel was appointed.

2. Counsel has been working diligently to finish the petition for writ of certiorari. On August 11, 2013, Petitioner requested that Counsel include additional issue that he raised in a *pro se* motion filed pursuant to Rule 59(e), SCRPC. Despite working on this case Counsel has been unable to brief these additional issues

3. From July 22nd until July 25th, Counsel appeared before the Honorable Thomas Russo in the murder trial of *State v. Steven Otts*. On August 5, 2013, Counsel was scheduled to begin another murder trial in Richland County that did not go forward. On August 6, 2013, Counsel filed a Petition for Rehearing in the case of *In the matter of Marie Assa'ad-Faltas*. Counsel also submitted a detailed memorandum of law for *Michael Elders v. State*, a complex PCR in Lexington County. Moreover, Counsel has

also been very busy preparing for multiple PCR cases that are scheduled this week in Horry, Georgetown, and Beaufort counties.

4. This request is made in good faith, and not for purposes of delay.

5. Counsel has spoken with counsel for the State, Megan Harrigan. Ms. Harrigan does not oppose this request and has authorized Counsel to indicate this to the Court.

WHEREFORE, the undersigned counsel would respectfully request a **third and final three-week** extension in which to file the Petition for Writ of Certiorari in this case. Counsel requests that the time limits for filing the Petition for Writ of Certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Tristan M. Shaffer
140 Gibson Road
Lexington, SC 29072
Phone: (803) 575-0384
Fax: (803) 403-9965
SC Bar #: 77565

August 26, 2013