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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Florence County
Honorable Thomas A. Russo, Circuit Court Judge

Opinion No. 2024-UP-128 (S.C. Ct. App. Filed April 17, 2024)
Lower Court Case No. 2017-GS-21-00588

THE STATE,

RESPONDENT,

V.

ROYAL DANIEL WILLIAMS, III,

PETITIONER.

APPELLATE CASE NO. 2024-000838

**MOTION TO FILE AN EXTENSION OUT OF TIME
AND REQUEST FOR A ONE-TIME EXTENSION OF TWENTY DAYS
TO FILE A PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS**

Counsel, Chief Appellate Defender Robert M. Dudek, respectfully requests leave under Rule 263(b), SCACR in which to file this one-time out of time extension request to file a petition for writ of certiorari in this case out of time. In support of this request, counsel shows:

1. Private counsel Elizabeth Franklin-Best was retained as appellate counsel in this case, and substituted as counsel in the Court of Appeals in place of Thurmond Brooker, Esquire by order of the Court of Appeals dated September 23, 2021. Counsel Brooker had

earlier been substituted as counsel in place of Appellate Defender Adam Ruffin by order of the Court of Appeals dated December 20, 2020. The Court of Appeals affirmed petitioner's conviction for murder and his sentence of life imprisonment without parole in State v. Royal Daniel Williams, III, Opinion No. 2024-UP-128 (filed April 17, 2024). Counsel Franklin-Best then filed a petition for rehearing with the Court of Appeals on April 25, 2024. The Court of Appeals denied rehearing in its order dated May 6, 2024.

2. This Court subsequently granted Counsel Franklin-Best a twenty-day extension to file her petition for a writ of certiorari in this case setting a new deadline of June 25, 2024. On June 24, 2024, Counsel Franklin-Best filed a request for "an additional month to file the petition for writ of certiorari in this case." Counsel stated that petitioner was completing an affidavit of indigency which "counsel will be submitting to OID for purposes of handling the cert petition in this case." Undersigned counsel was not aware of this extension petition. It appears this Court never acted upon this motion for an extension.

3. Subsequently, this discretionary appeal case was mistakenly approved for representation by Appellate Defense because undersigned counsel was not aware that petitioner's convictions had already been affirmed on direct appeal by the Court of Appeals, in his one appeal as of right, while he was represented by private counsel. Appellate Defense simply does not have the resources, or the sufficient number of attorneys necessary to represent persons in discretionary appeals to this Court where they were represented by private retained counsel in the Court of Appeals, unless on an order from this Court.

4. However, since undersigned counsel on behalf of Appellate Defense had erroneously agreed for this office to handle this discretionary appeal, and to file the petition for a writ of certiorari in this case, undersigned counsel notified Counsel Franklin-Best in a

letter dated July 25, 2024, that Appellate Defense would honor its erroneous agreement on a one-time basis while reiterating the policy stated in paragraph three above.

5. Given these highly unusual circumstances, undersigned counsel respectfully requests that this Court grant a one-time extension of twenty days from August 12, 2024 until September 3, 2024 for Appellate Defense to file the petition for writ of certiorari with this Court in this case.

6. Counsel makes this request in good faith and not for purposes of delay.

7. Undersigned counsel has discussed this one-time out-of-time extension motion with the Attorney General's Office, and Deputy Attorney General Donald J. Zelenka, graciously has consented to this motion.

WHEREFORE, undersigned counsel respectfully requests that this Court accept this request to grant a one-time out-of-time twenty day extension from August 12, 2024 until September 3, 2024 in which to file the petition for writ of certiorari to the Court of Appeals with this Court in this case.



Robert M. Dudek
Chief Appellate Defender
ATTORNEY FOR PETITIONER

August 12, 2024