

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to York County

John C. Hayes, III, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

SEP 26 2013

S.C. Supreme Court

KEVIN GUNTER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000639  
\_\_\_\_\_

PETITION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI  
AND ACCOMPANYING APPENDIX  
\_\_\_\_\_

The undersigned counsel respectfully requests a thirty day extension in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.

2. Counsel is working on and plans to file the petition for writ of certiorari and accompanying appendix in the case of George Porterfield v. State in this Court tomorrow, September 27, 2013. In addition, Counsel is preparing for oral argument in the case of State v.


George L. Chavis in this Court on Wednesday, October 2, 2013. Counsel attended and presented at the annual South Carolina Public Defender's Conference September 23-25, 2013. Counsel is also working on the case of Marion Bowman v. State, a **death penalty** case in this Court with a 10,000 page appendix. Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of State v. Jeffrey Michaelson (in the COA) and Rayshawn Pearson v. State in this Court on September 18, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Michael Wright in the Court of Appeals, as well as the petition for rehearing in the case of State v. James Bethel in this Court on September 13, 2013. Counsel filed the petitions for rehearing in the cases of State v. Anthony Wade and State v. Alton Shelley in this Court on September 12, 2013. Additionally, Counsel filed the petition for writ of certiorari and accompanying appendix in the **death penalty** case of State v. Brad Keith Sigmon in the United States Supreme Court on September 12, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. John L. Hogan in the Court of Appeals on September 4, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Victor Weldon in the Court of Appeals on August 28, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Charles M. Harris in the Court of Appeals on August 14, 2013. Counsel filed both the initial brief of appellant and designation of matter, and the initial brief of respondent and designation of matter, in the cross-appeal case of State v. Anthony Blakney in the Court of Appeals on August 7, 2013. Counsel filed the initial brief of appellant (three issue merits brief) and designation of matter in the case of State v. Jason Bauman in the Court of Appeals on August 2, 2013. Counsel filed a petition for writ of habeas corpus in this Court's original jurisdiction and accompanying appendix with Co-Counsel David Alexander and Susan Hackett

in the case of State v. Curtis Simms in this Court on August 1, 2013. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R M Dudek', written over a horizontal line.

Robert M. Dudek  
Chief Appellate Defender

September 26, 2013

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IN THE SUPREME COURT

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Certiorari to York County  
John C. Hayes, III, Circuit Court Judge

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KEVIN GUNTER,

PETITIONER,

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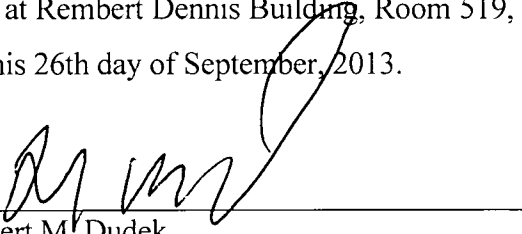
APPELLATE CASE NO. 2013-000639

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CERTIFICATE OF SERVICE

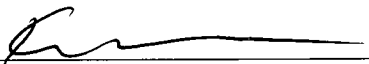
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The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon J. Rutledge Johnson, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 26th day of September, 2013.

  
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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me  
this 26th day of September, 2013.

  
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(L.S.)  
Notary Public for South Carolina

My Commission Expires: August 21, 2023.