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Jan 23 2025

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Berkeley County

Honorable Clifton Newman, Circuit Court Judge

JOHNNY LEE IRBY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-001262

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

Counsel for Johnny Lee Irby respectfully requests an extension of thirty (30) days from January 23, 2025 until February 24, 2025 in which to serve and file the Petition for Writ of Certiorari and Appendix 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 Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.

2. Counsel for Johnny Lee Irby 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.

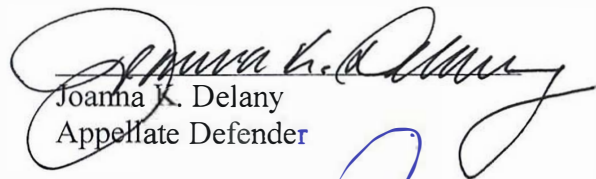
3. Counsel will file a Petition for Rehearing in the case of The State v. Terry Gridine with the Court of Appeals today, January 23, 2025. Counsel filed the Initial Reply Brief of Appellant in the case of The State v. Travontae Mitchell with the Court of Appeals on January 13, 2025. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Darius G. Dickey with the Court of Appeals on January 3, 2025. Counsel filed the *Johnson* Petition for Writ of Certiorari in the case of Courtney E. Brock v. State with the Supreme Court on December 3, 2024. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Kevin Lawrence Pearson v. State with the Supreme Court on November 21, 2024. Counsel filed the Return to Petition for Writ of Certiorari to the Court of Appeals in the case of The State v. Wanda Jane Crumpton with the Supreme Court on November 18, 2024.

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

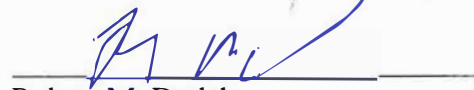
5. On December 31, 2024, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2025.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from January 23, 2025 until February 24, 2025 in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 23rd day of January, 2025.