

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Lexington County  
William Jeffrey Young, Circuit Court Judge

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**RECEIVED**

NOV - 7 2013

ROGER DALE BURKE,

**S.C. Supreme Court**  
PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001419

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

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Counsel for Roger Burke respectfully requests an extension of thirty (30) days in which to 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 Roger Burke 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 filed the initial brief of appellant in the case of The State v. Fred Woodrow Cribb with the Court of Appeals on November 6, 2013. Counsel filed the initial reply brief of appellant in the case of The State v. Christopher Miller with the Court of Appeals on October 31, 2013. Counsel attended and participated in the CLE Seminar regarding the Presentation of Criminal Appeals to the Court of Appeals on October 24, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Orlando Shiver v. State of South Carolina with this Court on October 23, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Elizabeth M. Dinkins with the Court of Appeals on October 18, 2013. Counsel filed the petition for writ of certiorari pursuant to Austin v. State in the case of Randy Elders v. State of South Carolina with this Court on October 16, 2013. Counsel filed the petition for writ of certiorari pursuant to Austin v. State in the case of Heyward Davis v. State of South Carolina with this Court on October 14, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Heyward Davis v. State of South Carolina with this Court on October 14, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Conrad Slocumb with the Court of Appeals on October 11, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Robert Livingston with the Court of Appeals on October 11, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Elenie Isham Parker v. State of South Carolina with this Court on October 9, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Daniel F. Miles with the Court of Appeals on October 3, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Clarence Puckett, II with the Court of Appeals on September 23, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case

of Linwood Carson v. State of South Carolina with this Court on September 18, 2013. Counsel had an oral argument in the case of The State v. Kristopher Wilmont Berry in the Court of Appeals on September 12, 2013. Counsel had an oral argument in the case of The State v. Karl Ryan Lane in the Court of Appeals on September 11, 2013. Counsel filed the initial reply brief in the case of The State v. Eric E. Hewins with the Court of Appeals on September 5, 2013. Counsel filed the initial reply brief of appellant in the case of The State v. Taurus Lamare Thompson with the Court of Appeals on September 3, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Peter J. Grant v. State of South Carolina with this Court on September 3, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Clyde L. McBride v. State of South Carolina with this Court on August 28, 2013. Counsel filed the return to motion to dismiss in the case of The State v. Randy Jarrod Crosby with the Court of Appeals on August 26, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Darrell Birch with the Court of Appeals on August 23, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Charles Hammons with the Court of Appeals on August 23, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Larry T. Perry with the Court of Appeals on August 23, 2013. Counsel filed the return to the petition for writ of certiorari to the Court of Appeals in the case of The State v. Jo Pradubsri with this Court on August 21, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Brandon L. Ray v. State of South Carolina, with this Court on August 14, 2013. Counsel filed the brief of petitioner in the case of Ricky Dale Gilstrap v. State of South Carolina, with this Court on August 5, 2013.

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

5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line and another 'C', with a small mark at the end.

Carmen V. Ganjehsani  
Appellate Defender

Attorney for Petitioner

November 7<sup>th</sup>, 2013

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Lexington County  
William Jeffrey Young, Circuit Court Judge

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ROGER DALE BURKE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

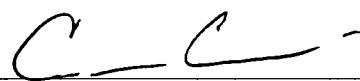
RESPONDENT

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CERTIFICATE OF SERVICE

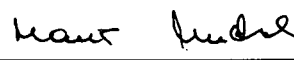
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I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon John Walt Whitmire, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 7th day of November, 2013.

  
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Carmen V. Ganjehsani  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 7th day  
of November, 2013.

  
\_\_\_\_\_(L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 3, 2023.