

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Union County

John C. Hayes, III, Circuit Court Judge

RECEIVED

FEB - 6 2014

S.C. Supreme Court

DONNIE M. MALPASS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-001460

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. On Tuesday, February 4, 2014, counsel had an oral argument in the Court of Appeals in the case of State v. Julian Deandre Battle. Counsel filed the brief of respondent in the

case of State v. William Coaxum Sr. in this Court on Monday, January 27, 2014. On Tuesday, January 21, 2014, counsel filed the return to the petition for writ of certiorari in the case of Jwan T. Smith v. State in this Court. On Thursday, January 16, 2014, counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Latron Bryant in this Court. On Wednesday, January 15, 2014, counsel filed the petition for writ of certiorari to the South Carolina Supreme Court and accompanying appendix in the case of Richard A. Sims v. State in the United States Supreme Court. On Wednesday, January 8, 2014, counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. John Portee in this Court. On Tuesday, January 7, 2014, counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Luther Bernard Pearson in this Court. On Friday, December 27, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Aliaquon R Drake in this Court, also on Friday, December 27, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Jose Angel Herrera in this Court. On Thursday, December 19, 2013, counsel filed the initial brief of appellant and designation of matter in the case of State v. Akeem Smith in Court of Appeals. On Thursday, December 12, 2013, counsel had an oral argument in the Court of Appeals in the case of State v. Kevin Bennett. On Friday, December 6, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Antonio Barnes in this Court as well as the brief of petitioner in the case of State v. Jamar A. Robinson in the Court of Appeals.

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,


David Alexander
Appellate Defender

February 6, 2014

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John C. Hayes, III, Circuit Court Judge

DONNIE M. MALPASS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

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CERTIFICATE OF SERVICE

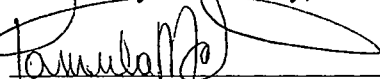
The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon J. Rutledge Johnson, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201 this 6th day of February, 2014.

Susan B. Hackett for

David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 6th day of February, 2014.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: July 24, 2022.