

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Union County

John C. Hayes, III, Circuit Court Judge

RECEIVED

MAR 10 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 **final thirty-day extension, until April 9, 2014**, 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 Wednesday, March 5, 2014, counsel had an oral argument in this Court in the case of State v. Curtis J. Simms. Also on Wednesday, March 5, 2014, counsel filed the petition

for writ of certiorari and accompanying appendix in the case of State v. James Gunnells in this Court. On Thursday, March 6, 2014, counsel had an oral argument in the Court of Appeals in the case of State v. Jason A. Johnson. On Wednesday, February 26, 2014, counsel filed the brief of appellant and record on appeal in State v. Curtis Fields in the Court of Appeals. On Friday, February 21, 2014, counsel filed the reply to the return to the petition for writ of certiorari in this Court in Mark Anthony Martucci v. State. On Tuesday, February 18, 2014, counsel filed the initial brief of appellant and designation of matter in the case of State v. Lou Ann Robinson in the Court of Appeals. 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.

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 **final thirty-day extension, until April 9, 2014**. 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



Robert M. Dudek
Chief Appellate Defender

March 10, 2014

I do not oppose:



For J. Rutledge Johnson, Esquire