

The Grose Law Firm, LLC

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March ^{17th} 14, 2014

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

Re: Frank Tolen v. State of South Carolina
Appellate Case No. 2013-001199

Dear Mr. Shearouse:

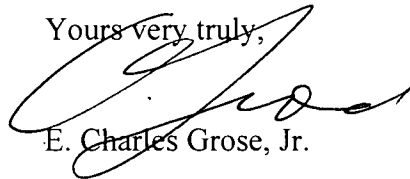
Enclosed please find the original and six copies of a petition for an extension of time to file a petition for writ of *certiorari*. This is the third extension request.

By copy of this letter to Ms. Wilson, I am notifying the State of this request.

Thank you for your attention to this matter.

With kindest regards, I am

Yours very truly,



E. Charles Grose, Jr.

cc: Stephen D. Geoly, Esquire (via email)
Ashleigh Wilson, Esquire (via email and US Mail)

RECEIVED

MAR 19 2014

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Saluda County
The Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case Number: 2013-001199

RECEIVED

MAR 17 2014

S.C. SUPREME COURT

FRANK TOLEN,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**Petition for Extension of Time to File
Petition for Writ of *Certiorari***

The petitioner, Frank Tolen, petitions this Court for an order extending the time to file his petition for writ of *certiorari*. This petition is the third extension request and is based on the following grounds:

1) Because of a conflict for the Division of Appellate Defense, this Court appointed Stephen D. Geoly to represent Mr. Tolen to file a his petition for writ of *certiorari*.

2) On January 10, 2014, Mr. Geoly requested this Court grant “a thirty day extension to apply for a writ of *certiorari*, so that [he] may associate counsel to assist [him] with this matter.” By order dated January 15, 2014, this Court granted that request.

3) Mr. Geoly has associated E. Charles Grose, Jr. to assist with this appeal.

4) Because of his schedule, Mr. Grose requested additional time to review the record in this case. Mr. Grose prepared for a jury trial and selected a jury on January 27, 2014 in the Greenwood County case of *State v. Edward Dean*. Mr. Dean's case would have been tried but for court being cancelled because of the possibility of inclement weather. Mr. Grose also prepared for and argued the case of *State v. Anthony Nation* in this Court on February 5, 2014. By order dated March 4, 2014, the Court granted the request for a second extension.

5) From March 3-5, 2015, Mr. Grose tried the Greenwood County case of *State v. Edward Dean*. From March 16-19, Mr. Grose will be traveling out of state working on a complex case.

6) The procedural history and underlying facts of this case are complicated, and the implications for Mr. Tolen are enormous. Mr. Tolen is serving life imprisonment without the possibility of parole for armed robbery. The state also convicted him of possession of a pistol by a person previously convicted of a crime of violence.

7) The State has tried Mr. Tolen twice for these charges. The first trial was in 1998, and this Court granted post-conviction relief. See S.C.S.Ct. Memorandum Opinion No. 2005-MO-061 (filed December 19, 2005). This appeal is from the order denying post-conviction relief following the second trial in 2006.

8) Mr. Grose has reviewed the record and identified multiple issues to include in the petition for write of *certiorari*.

9) Because of other professional obligations and unique procedural history and factual basis of this case, more time is required to properly present the relevant issues for this Court's consideration.

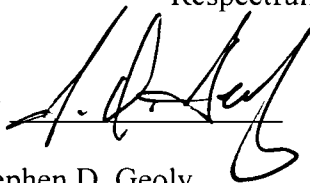
10) Pursuant to numbered paragraph three of this Court's Order regarding extension requests in criminal direct appeals and post-conviction certiorari proceedings, S.C.S.Ct. Order 2009-03-18-01, counsel informs the Court that they both are sole practitioners. Both counsel are signing this request for an extension.

For the forgoing reasons, which counsel believes establish good cause, Mr. Tolén respectfully requests this Court issue an order extending the time to file his petition for writ of *certiorari*.

IT IS SO MOVED.

Respectfully Submitted,

By



Stephen D. Geoly
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Greenwood, SC 29646
(864) 223-3352



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Counsel for the Petitioner

March 14, 2014
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JW

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Saluda County
The Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate Case Number: 2013-001199

FRANK TOLEN,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Certificate of Service

I certify that I have served the **Petition for Extension of Time to File Petition for Writ of Certiorari** on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed as follows:

Ashleigh Wilson, Esquire
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Attorney for Respondent

Respectfully Submitted,

By *Samuel Wingard Pardegal*

The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466

*for
Charles Grose*

March 17, 2014
Greenwood, South Carolina