

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Chester County

Brian M. Gibbons, Circuit Court Judge

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**RECEIVED**

SEP - 2 2014

**S.C. Supreme Court**

MICHAEL LEE MONTGOMERY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000638

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

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Counsel respectfully requests a thirty day extension in which to file the petition for writ of certiorari 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 is due to be served and filed with the Court today.
2. Counsel 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 his caseload, counsel hopes that no further extension requests will be required.


3. On August 26, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Willaim L. Gainey. v. State with this Court. On August 26, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Ronnie Goggins. v. State with this Court. On August 12, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Frank Bolin, Jr. v. State with this Court. On August 8, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Reynaldo Gonzalez v. State with this Court. On July 30, 2014, counsel filed an brief of appellant and record on appeal in State v. Steve Franklin Grayson with the Court of Appeals. On July 28, 2014, counsel filed an initial brief of appellant and designation of matter in State v. Brian Curtis Mack with the Court of Appeals. On July 23, 2014, counsel filed an initial brief of appellant and designation of matter in State v. Teramine Lamont McCrorey with the Court of Appeals. On July 21, 2014, counsel filed a brief of petitioner and accompanying appendix in Martina R. Putnam v. State with the Court of Appeals. On July 9, 2014, counsel filed a brief of appellant and record on appeal in State v. Robert Jenkins with the Court of Appeals. On July 2, 2014, counsel filed a petition for writ of certiorari to the Court of Appeals in State v. Ricky S. Bowman with this Court.

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

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 in this case based upon the above exigent circumstances.

Respectfully submitted,

  
Benjamin V. Tripp  
Appellate Defender

Attorney for Petitioner

September 2, 2014

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Chester County  
Brian M. Gibbons, Circuit Court Judge

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MICHAEL LEE MONTGOMERY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,


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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 Suzanne H. White, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 2nd day of September, 2014.

  
Benjamin Tripp  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 2nd day  
of September, 2014

  
\_\_\_\_\_(L.S.)

Notary Public for South Carolina  
My Commission Expires: July 24, 2022.