

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Calhoun County

Carmen T. Mullen, Circuit Court Judge

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SEP -9 2014

S.C. Supreme Court

WILLIE PELZER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2013-000731

MOTION TO FILE PETITIONER'S
WHITE v. STATE INITIAL APPELLANT'S BRIEF
AND ADDITIONAL APPENDICES
OUT OF TIME AND FOR AN EXTENSION

Petitioner Willie Pelzer hereby moves this Court to file his White v. State Initial Appellant's Brief and additional appendices out of time and for an extension of time within which to file them. The basis for Petitioner's Motion is set forth below.

1. On August 6, 2014, this Court granted Petitioner's petition for writ of certiorari on Question I, dispensed with further briefing, and directed the parties to brief the issues set forth in the Statement of Issues on Appeal attached to the petition. The deadline to file the White v. State Initial Appellant's Brief and additional appendices was Friday, September 5, 2014.

2. Counsel had calendared the correct due date for the brief but in the course of filing a Brief of Petitioner and a Johnson Petition for Writ of Certiorari with this Court on

September 4, 2014, as well as a Petition for Rehearing with the Court of Appeals on September 4, 2014 and an Initial Appellant's Brief with the Court of Appeals on September 5, 2014, counsel inadvertently missed filing an extension request with this Court. In her over twelve-year career practicing law in the States of Georgia and South Carolina, counsel cannot recall ever missing a deadline.

3. Counsel now moves to file the White v. State Initial Appellant's Brief and additional appendices out of time and for a thirty-day extension until **Monday, October 6, 2014** to file the White v. State Initial Appellant's Brief and additional appendices in the above-captioned case. This is counsel's **first** request for an extension.

4. Counsel prepared for the oral argument in State v. Christopher Miller held at the Court of Appeals on September 8, 2014. Counsel filed the filed the initial brief of appellant and designation of matter in the case of State v. Martin Floyd with the Court of Appeals on Friday, September 5, 2014. Counsel filed the brief of petitioner in the case of State v. Richard Beekman with this Court on September 4, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Shannon McGee v. State with this Court on September 4, 2014. Counsel filed the petition for rehearing the in the case of State v. Randy Crosby with the Court of Appeals on September 4, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Robert Orlando Hill v. State with this Court on August 28, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Dennis Penny with the Court of Appeals on August 27, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Dytavis Hinton v. State in this Court on August 21, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Kenneth Bell with the Court of Appeals on August 11, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Anthony Wilson v. State

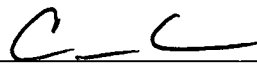
in this Court on August 7, 2014. Counsel filed the initial reply brief in the case of State v. Dan Temple in the Court of Appeals on Thursday, August 7, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jovan Mitchell in the Court of Appeals on August 1, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Joshua Paris v. State in this Court on Monday, July 28, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Robert Byrd v. State in this Court on July 23, 2014. Counsel filed the brief of petitioner in the case of State v. Norman Hayes in the Court of Appeals on July 18, 2014. Counsel filed the petition for rehearing in the case of The State v. Gregory Ivery with the Court of Appeals on July 15, 2014.

5. The undersigned has consulted with Salley W. Elliott at the Attorney General's office since Megan Harrigan was out of the office regarding this Motion and is authorized to advise the Court that opposing counsel consents to the requested relief.

6. This request is made in good faith and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request to file the White v. State Initial Appellant's Brief and additional appendices out of time and for a thirty-day extension until **Monday, October 6, 2014** to file the White v. State Initial Appellant's Brief and additional appendices in the above-captioned case.

Respectfully submitted,



Carmen V. Ganjehsani
Appellate Defender

September 9, 2014.

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CERTIFICATE OF SERVICE


I certify that a true copy of the Motion to File Petitioner's White v. State Initial Appellant's Brief and Additional Appendices Out Of Time and For an Extension in the above case has been served upon Megan Harrigan, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 9th day of September, 2014.



Carmen V. Ganjehsani
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 9th day of September, 2014.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 24, 2021.