

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Chester County

Brian M. Gibbons, Circuit Court Judge

RECEIVED

OCT - 2 2014

S.C. Supreme Court

MICHAEL LEE MONTGOMERY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000638

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

Counsel respectfully requests a **final extension of thirty (30) days until November 3, 2014**, in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third 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.

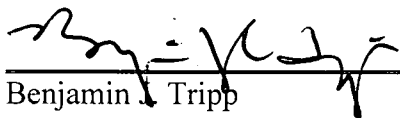
3. Today, counsel will file a brief of appellant and record on appeal in State v. Noeshea F. Samuel with the Court of Appeals. On September 30, 2014, counsel filed an initial brief of appellant and record on appeal in State v. John William Dobbins with the Court of Appeals. On September 17, 2014, counsel filed a brief of appellant and record on appeal in State v. Deshawn Foster with the Court of Appeals. On September 17, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Shalla Marshall v. State with this Court. On September 15, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Eddie Pilcher v. State with this Court. On September 9, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Donte L. Capers v. State with this Court. On September 9, counsel held an oral argument in State v. Sarah Cardwell before the Court of Appeals. On September 4, 2014, counsel filed an brief of appellant and record on appeal in State v. Christopher Roberts with the Court of Appeals. 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.

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 consents to this request as shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until November 3, 2014**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances.

Respectfully submitted,



Benjamin J. Tripp
Appellate Defender

Attorney for Petitioner


Robert M. Dudek
Chief Appellate Defender

This 2nd day of October, 2014

I Consent:


Suzanne H. White