

 ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Horry County  
Steven H. John, Circuit Court Judge

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TOMMY TOOMER,

**RECEIVED**  
OCT - 8 2014  
PETITIONER **SC** Supreme Court

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000649

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

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Counsel for Tommy Toomer respectfully requests an extension of thirty (30) days, **until November 7, 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 second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. Counsel for Tommy Toomer 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. Counsel is working on his power-point presentation for the Appellate Project CLE to be held October 30, 2014. Counsel also had an oral argument in the case of The State v. Christopher Hell before this Court on October 7, 2014. Counsel filed the final brief of petitioner in the case of Michael D. Hall v. State of South Carolina (Supreme Court) with co-counsel, Susan B. Hackett and David Alexander, with this Court on October 6, 2014. Counsel had an oral argument in the case of The State v. Antonio Miller before the Court of Appeals on October 6, 2014. Counsel filed the petition for rehearing in the case of The State v. Michael Anthony Rogers in the Court of Appeals on October 2, 2014. Counsel also went to death row at Lieber Correctional Institution on October 1, 2014 to meet with John Edward Weik. Counsel filed the petition for rehearing with co-counsel, Susan Hackett, in the case of Richard Bernard Moore v. State of South Carolina with this Court on September 26, 2014. Counsel prepared for and presented his Case Law Update power-point presentation for the 2014 Annual Public Defender Conference held September 22-24, 2014 in Myrtle Beach, South Carolina. Counsel filed the petition for rehearing in the case of State of South Carolina v. Christina Reece with the Court of Appeals on September 12, 2014. Counsel had an oral argument in the case of State v. Bobbie McCann before the Court of Appeals on September 12, 2014. Counsel also had an oral argument in the case of State v. Jason Bauman before the Court of Appeals on September 10, 2014. Counsel also had an oral argument in the case of State v. Derell Green which he assisted Appellate Defender Lara Caudy in preparing to argue for him before the Court of Appeals on September 8, 2014. Counsel also filed the reply to return to petition for writ of certiorari with co-counsel, Reid T. Sherard in the case of State v. Jamaal Hinson with this Court on September 8,

2014. Counsel also filed the brief of petitioner with co-counsel, David Alexander, in the case of State v. Darren Gerome Scott with this Court on September 4, 2014. Counsel also filed the petition for rehearing in the case of The State v. Anthony K. Blakney with the Court of Appeals on September 4, 2014. Counsel also filed the initial brief of appellant and designation of matter in the case of The State v. Andrew Antonio Clemons with the Court of Appeals on September 4, 2014. Counsel also filed the record on appeal in the case of Michael D. Hall v. State of South Carolina which was granted, and expedited in the original jurisdiction of the Supreme Court, with this Court on August 27, 2014. Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Mark Stanley Peters with this Court on August 25, 2014. Counsel also filed the initial brief of respondent in the case of State v. Calvin Pompey with the Court of Appeals on August 22, 2014. Counsel also filed the initial brief of respondent and designation of matter in the case of State v. Shannon Scott with this Court on August 21, 2014. Counsel also filed the petition for rehearing in the case of State v. Victor A. White with the Court of Appeals on August 21, 2014. Counsel also filed the petition for rehearing in the case of State v. Jefferson Perry with the Court of Appeals on August 21, 2014. Counsel also filed the initial reply brief of appellant in the case of State v. William Pou with the Court of Appeals on August 20, 2014. Counsel also had to prepare his power-point presentation for the summary judge's conference on August 19, 2014. Counsel also had a reconstruction hearing in the case of State v. Travoris Hurst in Charleston, SC on August 14, 2014. Counsel also filed the petition for rehearing in State v. Tawanda Allen with the Court of Appeals on August 13, 2014. Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Charles M. Harris with this Court on August 8, 2014.

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

5. Counsel for the Attorney General's office has been informed of this request.

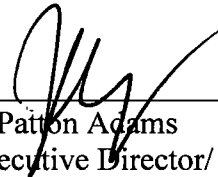
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until November 7, 2014**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender



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T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

This 8<sup>th</sup> day of October, 2014.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Horry County  
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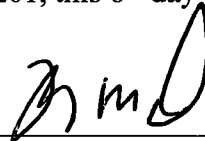
APPELLATE CASE NO. 2014-000649

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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 Joshua L. Thomas, Esquire, Office of the Attorney General, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 8<sup>th</sup> day of October, 2014.



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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 8<sup>th</sup> day  
of October, 2014.

Rhonda Demesie Foxworth (L.S.)  
Notary Public for South Carolina  
My Commission Expires: October 17, 2021.