

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

Certiorari to Horry County

NOV - 7 2014

Steven H. John, Circuit Court Judge

S.C. Supreme Court

TOMMY TOOMER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000649

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI AND
ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a **final thirty day extension, until December 8, 2014**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. **Counsel will attempt to file the petition before the due date if at all possible.** This case is unusual in that the PCR judge ruled an issue was preserved by trial counsel even though the Court of Appeal held the issue was not preserved for appellate review on direct appeal. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.

2. Counsel is also doing a presentation that he continues to prepare for after doing the materials on the Fourth Amendment for the Summary Judge's Conference today, November 7, 2014. Counsel will also be filing the United States certiorari petition in the case of Bayan Aleksey v. State of South Carolina on November 24, 2014. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Bradley Gerald Mullins with the Court of Appeals on November 4, 2014. Counsel filed a petition for stay of execution in the case of The State v. Richard Moore with this Court on October 31, 2014. Counsel presented the Appellate Project CLE on October 30, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Victor White with this Court on October 30, 2014. Counsel attended a PCR hearing on October 29, 2014 in Dorchester County in the case of Walter Lee Harris v. State of South Carolina. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Tawanda Allen with this Court on October 27, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of Timothy D. Dingle v. The State (murder case) with the Court of Appeals on October 22, 2014. Counsel filed the petition for rehearing in the case of The State v Jason A. Bauman with the Court of Appeals on October 16, 2014. Counsel had an oral argument in the case of The State v. Christopher Heller 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 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 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

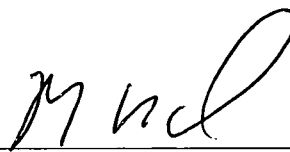
presented his Case Law Update power-point presentation for the 2014 Annual Public Defender Conference held September 22-24, 2014 in Myrtle Beach, South Carolina. Counsel filed the petition for rehearing in the case of State of South Carolina v. Christina Reece with the Court of Appeals on September 12, 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.

4. As indicated by his consent below, counsel for the state does not oppose this request.


5. This request is made in good faith, and not for purposes 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.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until December 8, 2014**, in which to file the petition for writ of certiorari and accompanying appendix. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



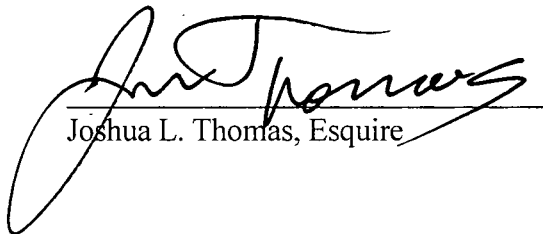
Robert M. Dudek
Chief Appellate Defender



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

This 7th day of November, 2014.

I do not oppose:



Joshua L. Thomas, Esquire