

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Edward G. Welmaker, Circuit Court Judge

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Case No. 2012-CP-23-07837  
Appellate Case No. 2014-000925

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RECEIVED

DEC 17 2014

S.C. Supreme Court

Gerald Brown, 174505,

Petitioner,

v.

State of South Carolina,

Respondent.

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

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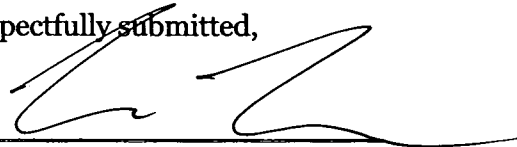
The Petitioner in this matter respectfully requests this Honorable Court extend the time to file the petition for a writ of certiorari and the appendix in this matter for an additional thirty days, for the following reasons.

Counsel is unable to complete this matter by the current due date of December 17, 2014. In the past thirty days, counsel's caseload has prevented him from completing this matter on time. Counsel recently argued an appeal in the United States Court of Appeals for the Fourth Circuit in the matter of *United States v. Baker, et al.* This was a multi-defendant, multi-issue appeal involving thousands pages of records and several complex issues. Counsel was the lead appellate lawyer arguing these matters and spent a significant amount of time over the last month preparing this matter.

Because of counsel's involvement in another appellate case, he has not had time to complete this petition. Because of the important appellate rights at stake in this matter and the responsibility to diligently represent Petitioner, counsel believes there is good cause for this

request and respectfully requests another thirty days to file this matter, which will make this matter due on January 16, 2015.

Respectfully submitted,



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December 16, 2014  
Greenville, South Carolina

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MOTION FOR LEAVE TO FILE OUT OF TIME

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The Petitioner, through his undersigned counsel, respectfully requests this Honorable Court allow the attached motion for extension to file petition for writ of certiorari and appendix, for the following reason.

The petition and appendix was due December 15, 2014; however it became clear that counsel would need an extension due to current caseload. However, when counsel calendared the deadline to ask for extension; it was incorrectly dated for December 17<sup>th</sup> as opposed to the 15<sup>th</sup>.

Appellant believes this short delay of two days does not prejudice either party. Because of the short delay, the lack of prejudice to either party, and the important appellate rights at stake in this matter, counsel respectfully requests the Court accept the

motion for extension to file petition for writ of certiorari and appendix and consider it filed on time.

Respectfully submitted,



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December 16, 2014  
Greenville, South Carolina

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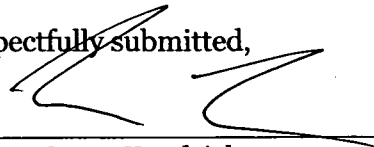
CERTIFICATE OF SERVICE

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The undersigned certifies a copy of the attached MOTION FOR LEAVE TO FILE OUT OF TIME & MOTION FOR EXTENSION TO FILE PETITION FOR WRIT OF CERTIORARI AND APPENDIX was filed on opposing counsel at the following address, this 17th day of December, 2014, by United States Mail:

**Karen Ratigan, Esquire**  
**South Carolina Attorney General's Office**  
**P.O. Box 11549**  
**Columbia, SC 29211**

Respectfully submitted,



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December 17, 2014  
Greenville, South Carolina