

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

J. Ernest Kinard, Jr., Circuit Court Judge

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S.C. Supreme Court

JAMES E. DIAGO,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-002109

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

The undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

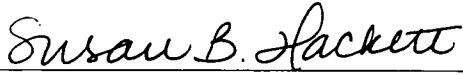
1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by one prior order of this Court.
2. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Devin Johnson in the Court of Appeals on February 26, 2015. Counsel

filed the reply brief of petitioner in the case of Anthony Sanders v. State in this Court on February 23, 2015. Counsel filed the petition for rehearing in the case of State v. Darryl L. Drayton in the Court of Appeals on February 19, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Keith Robinson v. State in this Court on February 12, 2015. Counsel filed the Anders Brief of Appellant and Designation of matter along with the Record on Appeal in the case of State v. Malcolm Brabham in the Court of Appeals on February 3, 2015. Counsel argued in the case of State v. Kenneth Lynch in the Court of Appeals on February 3, 2015. On January 27, 2015, Counsel attended a hearing as a witness before the Commission on Lawyer Conduct pursuant to a subpoena. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jonathan Campbell v. State in this Court on January 21, 2015. Counsel filed the reply to the return to petition for writ of certiorari in the case of Albert S. Kelly v. State in this Court on January 20, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Ralph B. Hayes in this Court on January 16, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Mathew Fullbright in this Court on January 16, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Alexander L. Hunsberger in this Court on January 16, 2015. Counsel filed the reply to the state's return to motion to remand for competency determination in the case of Drew John Monahan v. State in the Court of Appeals on January 14, 2015. Counsel argued in the case of State v. Marvin Bowens Green in the Court of Appeals on January 8, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Richard Deas v. State in this Court on January 5, 2015.

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

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

Respectfully submitted,



Susan B. Hackett
Susan B. Hackett
Appellate Defender

March 3, 2015

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

J. Ernest Kinard, Jr., Circuit Court Judge

JAMES E. DIAGO,

PETITIONER,

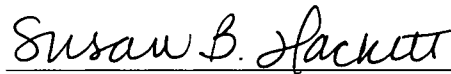
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE


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 J. Rutledge Johnson, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, S.C. 29201 this 3rd day of March, 2015.



Susan B. Hackett
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 3rd day of March, 2015.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: October 30, 2022.