

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

J. Ernest Kinard, Jr., Circuit Court Judge

RECEIVED

APR 2 2015

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 **final** thirty-day extension, until **May 4, 2015** 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 two prior orders of this Court.
2. Counsel filed the petition for rehearing in the case of State v. Marvin Bowens Green in the Court of Appeals on March 26, 2015. Counsel filed a petition for

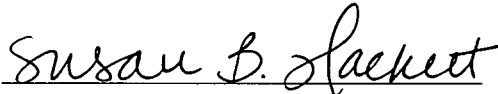
writ of certiorari in the case of Richard Bernard Moore v. State of South Carolina in the United States Supreme Court on March 23, 2015, as a co-counsel with Robert M. Dudek. Counsel filed the petition for rehearing in the case of Stephen Corey Bryant v. State in this Court on March 19, 2015. Counsel filed a petition for writ of certiorari in the case of James Prather v. State in the United States Supreme Court on March 18, 2015. Counsel filed the Brief of Petitioner in the case of State v. David Gerrard Johnson in this Court on March 12, 2015. Counsel filed a petition for writ of certiorari in the case of State v. Derringer Young in the United States Supreme Court on March 10, 2015. Counsel filed the Brief of Petitioner in the case of Drew John Monahan v. State in the Court of Appeals on March 9, 2015. Counsel argued in the case of State v. Nathaniel B. Beeks in the Court of Appeals on March 4, 2015. Counsel argued in the case of State v. Walter M. Bash in the Court of Appeals on March 3, 2014. 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.

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

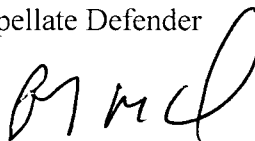
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final** thirty-day extension, until **May 4, 2015** 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,



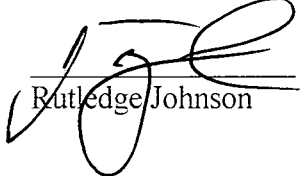
Susan B. Hackett
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

April 2, 2015

I DO NOT OPPOSE:


Rutledge Johnson