

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM GEORGETOWN COUNTY  
Court of General Sessions  
Roger L. Couch, Circuit Court Judge

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Appellate Case No. 2014-001339

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RECEIVED  
JUN 29 2015  
SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

TERRON GERHARD DIZZLEY,

APPELLANT.

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**APPELLANT'S MOTION FOR EXTENSION OF TIME**

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**THIS MATTER** comes before the Court by way of an appeal from a criminal conviction and sentence. The Initial Brief of Appellant and Designation of Matter were due for filing on June 11, 2015. Undersigned counsel requested a thirty-day extension of time in which to file these documents on that date. On June 23, 2015, this Court notified undersigned counsel that the extension request needed to be filed in the form of a motion because "there have already been four extension requests to file and serve the initial brief of appellant and designation of matter."

The Appellant would now request an extension for several reasons. First, the four prior extensions of time that were granted in this case were granted to the Appellant's prior attorney at

Appellate Defense. Undersigned counsel was substituted as counsel for the Appellant by this Court on May 12, 2015. This extension request was made in letter form, as opposed to by motion, because undersigned counsel was under the mistaken belief that the number of extensions that could be requested, and the manner in which they could be requested, pursuant to In re Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings, S.C. Sup. Ct. Order filed March 18, 2009, reset when an appellant obtained new counsel. This is the practice in the Supreme Court, and undersigned counsel assumed that this Court and the Supreme Court adhered to the same extension practice. Had undersigned counsel realized that the practice in this Court differed from the Supreme Court's, undersigned counsel would have requested an extension in the appropriate fashion.

Second, there is an extensive record to review in this matter. The trial transcript consists of 764 pages. Additionally, the Appellant has provided well in excess of 2,000 pages of material to undersigned counsel to review in conjunction with the appeal. While the vast majority of this information will not be relevant to the appeal, the Appellant is considering withdrawing this appeal and filing an Application for Post-Conviction Relief. An extension of time is warranted to permit undersigned counsel the opportunity to review all of this documentation and to meet with the Appellant to go over his options in detail. Undersigned counsel intends on meeting with the Appellant early next week to make a final decision on how best to proceed. Assuming that the Appellant intends to proceed forward with the appeal, undersigned counsel will have enough time to prepare the Initial Brief of Appellant and Designation of Matter by June 13, 2015, and should not require any additional extensions of time.

Third, undersigned counsel had an extremely busy thirty days from May 12 until June 11. During that time period, undersigned counsel specifically:

1. Prepared for, and argued, Bobby Joe Reeves v. State of South Carolina; 2011-187246, before this Court;
2. Engaged in multiple several-hour debriefings with law enforcement in a federal criminal matter;
3. Filed a lengthy motion to suppress in United States v. Alfredo Ramirez, 5:14-CR-559-JMC, a federal criminal matter;
4. Filed a lengthy response to a motion for summary judgment in Ismael Cruz v. Michael McCall; 8:13-CV-658-DCN-JDA, a federal habeas matter;
5. Filed a return to a certiorari petition and a certiorari petition in Anthony Briggs v. State of South Carolina; 2014-000693, a Post-Conviction Relief appeal pending before the Supreme Court; and
6. Met with clients at Kershaw Correctional Institution, Lee Correctional Institution, Perry Correctional Institution, and, on two occasions, the Lexington County Detention Center.

Undersigned counsel is also a sole practitioner, so undersigned counsel also engaged in day-to-day matters pertaining to the running of his law office during that time frame. Due to undersigned counsel's numerous other obligations, undersigned counsel was unable to review the transcript and all of the Appellant's other documentation during that thirty-day period such that the Initial Brief of Appellant and Designation of Matter could be prepared.

Given all of the above, undersigned counsel respectfully submits that a thirty-day extension of time is warranted in which to file the Initial Brief of Appellant and Designation of Matter in this case. As stated above, undersigned counsel does not intend to request any further extensions of time, as the final decision on moving forward with the appeal versus withdrawing it will be made

early next week. Finally, undersigned counsel has contacted opposing counsel, Donald J. Zelenka, Senior Assistant Deputy Attorney General, regarding this matter, and he consents to the extension request.<sup>1</sup>

Respectfully submitted,



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**JEREMY A. THOMPSON**  
Attorney and Counselor at Law

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**ATTORNEY FOR PETITIONER.**

This 21<sup>st</sup> day of June, 2015.

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<sup>1</sup> Inasmuch as undersigned counsel is a sole practitioner, he has not obtained any additional signatures to this motion. See In re Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings, *supra*.

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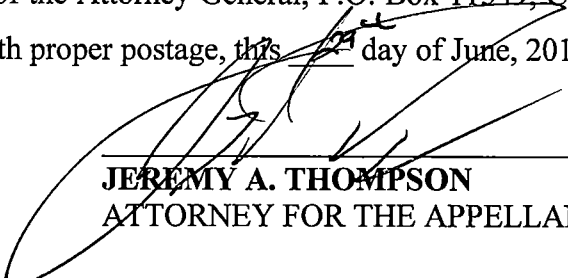
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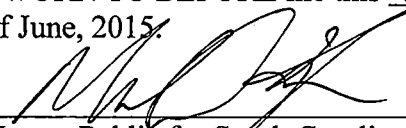
APPELLANT.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that one copy of the Appellant's Motion for Extension of Time in the above-entitled case has been served upon opposing counsel, Donald J. Zelenka, Senior Assistant Deputy Attorney General, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211, by depositing in the U.S. mail with proper postage, this 29<sup>th</sup> day of June, 2015.

  
JEREMY A. THOMPSON  
ATTORNEY FOR THE APPELLANT

SWORN TO BEFORE me this 29<sup>th</sup> day  
of June, 2015.

  
Notary Public for South Carolina

(L.S.)

My Commission Expires: 7/10/2022



LAW OFFICE OF  
**JEREMY A. THOMPSON**  
LLC

June 29, 2015

VIA HAND-DELIVERY

**RECEIVED**  
JUN 29 2015  
SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: State of South Carolina v. Terron Gerhard Dizzley; 2014-001339

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of my motion for extension of time in the above-captioned matter. I would appreciate your filing the original and six copies of the motion, clocking the remaining copy, and returning the remaining copy to me. If I can be of any further assistance to the Court in this matter, please do not hesitate to contact me. With my thanks for the Court's assistance in this matter, and my best regards, I am,

Yours sincerely,

  
Jeremy A. Thompson  
Attorney and Counselor at Law

JAT/  
Enclosures

cc: Donald J. Zelenka, Senior Assistant Deputy Attorney General (via U.S. mail) (w/ enclosure)  
Terron Dizzley, #359480 (via U.S. mail) (w/ enclosure)  
Gwendolyn Frasier (via U.S. mail) (w/ enclosure)