

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No.: 2011-CP-42-0516

Michael Shane Johnson,

Petitioner,

v.

State of South Carolina,

Respondent.

PETITIONER'S MOTION FOR AN EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI AND APPENDIX

Pursuant to Rule 240 of the South Carolina Rules of Appellate Procedure, the petitioner hereby moves for an extension of time within which to file petitioner's Petition for Writ of Certiorari and Appendix. In support of this motion, the petitioner states:

1. This is a Post-Conviction Relief Action that is before this Court pursuant to Rule 243 of the South Carolina Rules of Appellate Procedure.

2. On August 27, 2012, the petitioner received the transcript of the proceedings in the lower court. The petitioner's Petitioner for Writ of Certiorari and Appendix are currently due on September 26, 2012. This filing deadline has not been previously extended.

3. This case involves novel legal issues, which upon information and belief, have not been decided by this Court. Counsel anticipates that it will take a significant amount of time to research these issues to write a direct and concise argument in support of the Petition.

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4. Counsel has a heavy work load this month, including oral argument on September 21, 2012 before the Fourth Circuit Court of Appeals in United States v. James, et al., a consolidated direct appeal from a lengthy trial involving numerous suppression issues, the admission of 114 wiretap telephone calls, and the applicability of the recent United States Supreme Court case U.S. v. Jones, -- U.S. --, 132 S. Ct. 945, 181 L.Ed.2d 911 (2012).

For the reasons stated herein, the petitioner respectfully requests that this Honorable Court extend the deadline to file his Petition for Writ of Certiorari and Appendix until October 26, 2012.



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Dated this 27th day of August, 2012
Greenville, South Carolina

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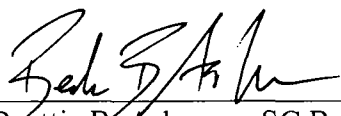
Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I have served the Petitioner's Motion for an Extension of Time to File Petition for Writ of Certiorari and Appendix on the following:

The Honorable Daniel E. Shearouse
Clerk of Court
P.O. Box 11330
Columbia, SC 29211

Suzanne H. White
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, SC 29211


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Dated this 28th day of August, 2012
Greenville, South Carolina

BEATTIE B. ASHMORE, P.A.

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August 29, 2012

The Honorable Daniel E. Shearouse
Clerk of Court
P.O. Box 11330
Columbia, SC 29211

Re: Michael Shane Johnson v. State of South Carolina
Spartanburg County Case No. 2011-CP-42-0516

Dear Mr. Shearouse:

Enclosed for filing please find the petitioner's Motion for an Extension of Time to file the Petition for Writ of Certiorari and Appendix. I have enclosed the original and six (6) copies for the court along with a copy to be time stamped and returned to this office in the enclosed envelope.

Please feel free to contact me with any questions or concerns.

Sincerely,



Rhonda Bell
Legal Assistant to Beattie B. Ashmore

Enclosures

Cc: Ms. Suzanne H. White with enclosure

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