

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Anderson County

Carmen T. Mullen, Circuit Court Judge

 ORIGINAL

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SEP 28 2015

WALTER ALLEY

S.C. Supreme Court
PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2015-000438

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

The undersigned counsel respectfully requests a **final twelve day extension, until October 9, 2015**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following **extraordinary circumstances**:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.

2. *Counsel, Laura Baer, has been out of the office on maternity leave since July 30, 2015, and she will return to the office on October 8, 2015.* Counsel filed the petition for rehearing in the case of State v. Martin Floyd on July 29, 2015 with the Court of Appeals. Counsel filed the initial brief of appellant and designation of matter in the case of State v.

Stephon Robinson in the Court of Appeals on July 27, 2015. Counsel filed the reply to the return to petition for writ of certiorari in the case of Didier Sellner v. State with this Court on July 27, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Calvin Miller with the Court of Appeals on July 27, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Justin Johnson with the Court of Appeals on July 22, 2015. Counsel filed the petition for rehearing in the case of State v. Christopher Miller with this Court on July 8, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Warren Smith v. State with this Court on July 2, 2015. **Counsel will attempt to file the certiorari petition and appendix earlier if possible, and the Chief Appellate Defender is aware such an extension request is looked upon with disfavor.** However, present circumstances make the extension request necessary.

3. As indicated by his consent below, counsel for the state does not oppose this request.

4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a **final twelve extension, until October 9, 2015.** **In the alternative counsel requests such a lesser time as this Court is willing to grant.** Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,

Susan B. Hackett for
Laura R. Baer
Appellate Defender

RM
Robert M. Dudek
Chief Appellate Defender

September 28, 2015

I do not oppose:

for John Walt Whitmire