

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

OCT 21 2015

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
R. Knox McMahon, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2014-002362

Joseph J. Magni, Jr., SCDC #345848.....Petitioner.

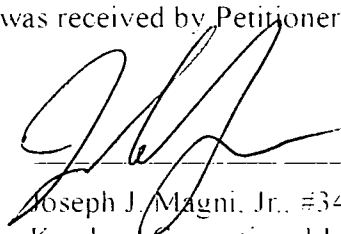
v.

State of South Carolina.....Respondent

MOTION FOR AN ENLARGEMENT OF TIME.
RULE 234(b), SCACR

Joseph J. Magni, Jr., SCDC #345848, hereby requests an enlargement of time to prepare Petitioner's Pro Se Brief, which is due for filing on October 26, 2105. Appellate Counsel Lara Caudy filed a Johnson Brief on August 10, 2015, which was received by Petitioner on August 17, 2015. The facts supporting this motion are attached

October 15, 2015


Joseph J. Magni, Jr., #345848, MB-43
Kershaw Correctional Institution
4848 Goldmine Hwy
Kershaw, S.C. 29067
Petitioner

cc: Daniel Gourley, Esq.
Assistant Attorney General
S.C. Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
R. Knox McMahon, Circuit Court Judge

OCT 21 2015

S.C. SUPREME COURT

Case No. 2014-002362

Joseph J. Magni, Jr., SCDC #345848..... Petitioner.

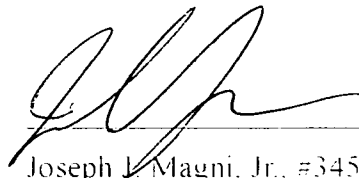
v.

State of South Carolina..... Respondent.

PROOF OF SERVICE

I certify that I have served the Motion For An Enlargement Of Time, Rule 234(b), SCACR on the Respondent by depositing a copy of the same in the United States Mail, postage prepaid, on October 15, 2015, addressed to the attorney of record, Daniel Gourley, Esq., Assistant Attorney General, S.C. Office of the Attorney General, P.O. Box 11549, Columbia, S.C. 29211

October 15, 2015



Joseph J. Magni, Jr., #345848, MB-43
Kershaw Correctional Institution
4848 Goldmine Hwy
Kershaw, S.C. 29067

Petitioner

cc. Daniel Gourley, Esq.
Assistant Attorney General
S.C. Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

Attorney for Respondent

ARGUMENT

Petitioner, Joseph J. Magni, Jr., SCDC #345848, pursuant to Rule 234(b), SCACR, hereby requests an enlargement of time of forty-five (45) days, beginning on the day following Petitioner's removal from lockdown status at Kershaw Correctional Institution stemming from the flooding throughout South Carolina, to prepare *Petitioner's Pro Se Brief*, which is due for filing on October 26, 2015. Petitioner would respectfully show this Court that the facts supporting this motion are

1. On October 13, 2015, Petitioner received the September 23, 2015, Order granting a first enlargement of time to file the pro se response to the Johnson Petition for Writ of Certiorari until October 26, 2015..

2. Petitioner is currently incarcerated at Kershaw Correctional Institution, which went on lockdown status October 2, 2015 due to the state of emergency declared by Gov. Nikki Haley as a result of the flooding in South Carolina.

3. The state of emergency was not lifted in SCDC until October 13, 2015.

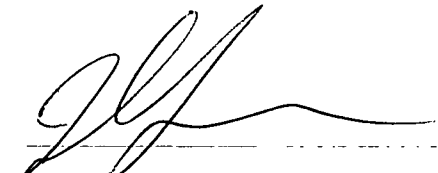
4. Petitioner has been unable to reasonably review his case through the law library due to the lockdown in preparation for filing his *Petitioner's Pro Se Brief*.

5. Kershaw Correctional Institution has a pending inventory scheduled for October 22-23 keeping Petitioner from having ample time to prepare his *Petitioner's Pro Se Brief*.

Petitioner so moves.

October 15, 2015

Kershaw, South Carolina



Joseph J. Magni, Jr., #345848, MB-43
Kershaw Correctional Institution
4848 Goldmine Hwy
Kershaw, S.C. 29067
Petitioner

October 15, 2015

The Honorable Daniel E. Shearouse
Clerk, S. C. Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

RECEIVED

OCT 21 2015

S.C. SUPREME COURT

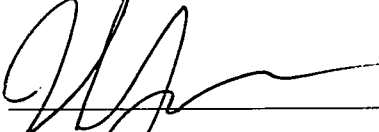
Re: Joseph J. Magni, Jr., #345848, Petitioner,
v. State of South Carolina, Respondent.
Case No. 2014-002362

Dear Mr. Shearouse:

Enclosed for filing is one (1) original and three (3) copies of my Motion For An Enlargement Of Time, Rule 234(b), SCACR for the above case.

Please stamp clock and file these matters, and kindly return one (1) copy to me for my records. Your attention to these matters will be greatly appreciated.

Thank you. Sincerely, I am,



Joseph J. Magni, Jr., #345848, MB-43
Kershaw Correctional Institution
4848 Goldmine Hwy
Kershaw, S.C. 29067

Petitioner

Enc: As stated above

/jjm

cc: Lara M. Caudy
Daniel Gourley, Esq.
File

Joseph Jay Magni Jr. #345848
Kershaw Correctional Institution MB-43
4848 Goldmine Highway
Kershaw, SC 29067

LEGAL MAIL

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