

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Richland County
Robert E. Hood, Circuit Court Judge

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DEC - 7 2015

S.C. Supreme Court

DAVID CARMICHAEL,

RESPONDENT,

V.

STATE OF SOUTH CAROLINA,

PETITIONER

APPELLATE CASE NO. 2015-000424

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE RETURN TO PETITION
FOR WRIT OF CERTIORARI

Counsel for David Carmichael respectfully requests an extension of thirty (30) days in which to file the return to petition for writ of certiorari. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The return to petition for writ of certiorari is due to be served and filed with the Court today.
2. Counsel for David Carmichael respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

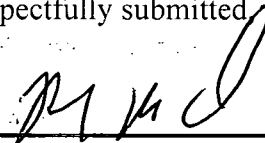
3. On December 7, 2015, counsel had an oral argument before the Court of Appeals in the case of The State v. Bradley Gerald Mullins. On December 2, 2015, counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of The State v. Calvin Jermaine Pompey with this Court. On December 1, 2015, counsel had an oral argument before the Court of Appeals in the case of The State v. Tawanda Allen. On November 20, 2015, Counsel filed an amended initial brief in the case of The State v. Bryan Rearick with this Court. Counsel, along with co-counsel Lara M. Caudy, filed a petition for rehearing in the case of The State v. Don-Survi Chisolm on November 12, 2015 with the Court of Appeals. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jalann Williams with the Court of Appeals on November 10, 2015. Counsel filed a return to petition for writ of certiorari in the case of Marshall H. Collins v. State of South Carolina on October 30, 2015 with this Court. Counsel filed an initial brief of appellant and designation of matter in State v. Jason Kinloch with the Court of Appeals on October 16, 2015. Counsel held an oral argument before the Court of Appeals in the case of State v. Nathaniel Witherspoon on October 14, 2015. Counsel held an oral argument before the Court of Appeals in the case of James Clayton Helms v. State on October 13, 2015. Counsel filed the brief of appellant and record on appeal in the case of State v. Tre' Vaughn Jackson with the Court of Appeals on September 18, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Vernon Michael Wilcox v. State with this Court on September 8, 2015. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training three new appellate defenders and reading all of their writings.**

4. Counsel makes this request in good faith and not for purpose of delay.

5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the return to petition for writ of certiorari in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

Attorney for Respondent

December 7, 2015

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CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the return to petition for writ of certiorari in the above case has been served upon Clay Mitchell, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 7th day of December, 2015.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR RESPONDENT

SWORN TO BEFORE ME this 7th day
of December, 2015.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.