

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

RECEIVED

JAN 07 2016

80 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 a **final thirty (30) day extension, until February 8, 2016**, in which to file the return to petition for writ of certiorari in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The return to petition for writ of certiorari is due to be filed with the Court today. The Court has granted counsel two previous extensions.

2. Counsel for Mr. 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 January 7, 2015, counsel plans to file the petition for writ of certiorari and accompanying appendix in the case of Kenyatta Bryant v. The State of South Carolina. On January 6, 2016, counsel had an oral argument in the case of The State v. David Judson Penn before the Court of Appeals. On December 31, 2015 counsel filed an initial reply brief in the case of The State of South Carolina v. Ricky Lee Blackwell with the Court of Appeals. On December 29, 2015, counsel also filed another petition for rehearing in the case of The State v. Andrew Antonio Clemons with the Court of Appeals. On December 29, 2015 counsel filed a petition for rehearing in the case of The State of South Carolina v. Nathaniel Witherspoon with the Court of Appeals. On December 14, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in the case of Anthony Edwards v. The State of South Carolina with this Court. On December 14, 2015 counsel filed a petition for writ of certiorari and accompanying appendix in the case of Andrew S. Plummer v. State of South Carolina with this Court. On December 7, 2015, counsel had an oral argument in the case of The State v. Bradley Gerald Mullins before the Court of Appeals. 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 in the case of The State v. Tawanda Allen with this Court. 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 has extensive administrative duties as the Chief Appellate Defender,**

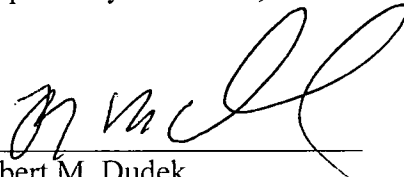
including administrative and Appellate Project oversight, and, training three new appellate defenders and reading all of their writings.

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

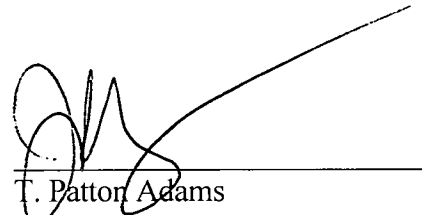
5. Counsel for the Attorney General's office consents to this request as shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until February 8, 2016**, 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



T. Patton Adams
Executive Director/
J. Hugh Ryan, III
General Counsel

This 7th day of January, 2016.

I consent:


Clay Mitchell, Esquire