

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

RECEIVED

FEB -8 2016

SC 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 four (4) day extension, until February 12, 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 extraordinary extension request is made because counsel's assistant is on emergency medical leave, and because of a calendaring error in her absence counsel does not have sufficient time to do justice to the return and finish preparation for oral argument tomorrow before this Court.** Counsel also has to go out of town on business Wednesday afternoon and Thursday. Counsel hopes and intends that this will be the only request for a fourth 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 three 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 15, 2016, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Thomas James with the Court of Appeals. On January 13, 2016, counsel has an oral argument in the case of The State of South Carolina v. Whitlee Jones with this Court. On January 12, 2016, counsel had an oral argument in the case of The State of South Carolina v. Antonio Miller with this Court. On January 7, 2016, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kenyatta Bryant v. The State of South Carolina with this Court. 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. **Counsel has extensive administrative duties as the Chief**

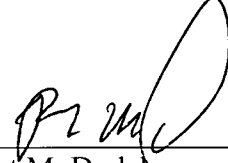
Appellate Defender, including administrative and Appellate Project oversight, and, training three new appellate defenders and reading all of their writings.

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 four (4) day extension, until February 12, 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,



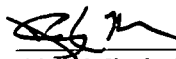
Robert M. Dudek
Chief Appellate Defender



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

This 8th day of February, 2016.

I consent:



Clay Mitchell, Esquire