

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Certiorari to Spartanburg County
Roger L. Couch, Circuit Court Judge

FEB 18 2016

SC SUPREME COURT

HOWARD LEE SIMS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-002302

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

Counsel for Howard Lee Sims respectfully requests an extension of thirty (30) days in which to file the petition for writ of certiorari and appendix in this case. 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:

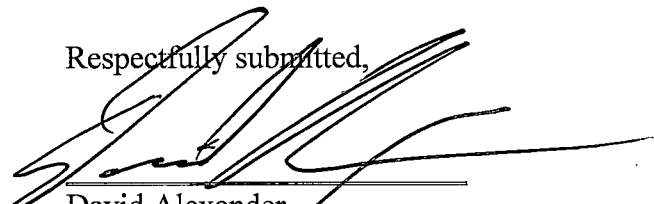
1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. Counsel for Howard Lee Sims respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously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

3. Counsel filed petition for writ of certiorari and accompanying appendix in the case of Jeremy Wright v. State with the Supreme Court on February 17, 2016. Counsel is assisting in the preparation of the record on appeal in the death penalty case of State v. Ricky Blackwell. Counsel filed the brief of appellant and designation of matter in the case of State v. William Zeigler with the Court of Appeals on February 11, 2016. Counsel filed a petition for rehearing in the case of State v. Zinah Jennings with the Court of Appeals on February 10, 2016. Counsel filed a petition for writ of certiorari to the Court of Appeals in the case of State v. James Johnson with the Supreme Court on January 29, 2016. Counsel filed the brief of appellant and designation of matter in the case of State v. Quentin Evans with the Court of Appeals on January 29, 2016. Counsel filed the reply brief of petitioner in the case of Brenda Gail Cutro v. State with the Supreme Court on January 21, 2016. Counsel filed petition for writ of certiorari and accompanying appendix in the case of Edward Clarkson v. State with the Supreme Court on January 20, 2016. Counsel filed the brief of appellant and designation of matter in the case of State v. Alicia Adderly with the Court of Appeals on January 13, 2016. Counsel filed a petition for writ of certiorari to the Court of Appeals in the case of State v. William Bolt with the Supreme Court on January 7, 2016. Counsel filed a return to petition for writ of certiorari in the case of State v. Brandon Garren with the Supreme Court on January 7, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Kadrin Singleton with the Court of Appeals on January 6, 2016. Counsel filed petition for writ of certiorari and accompanying appendix in the case of William Whitfield v. State with the Supreme Court on January 6, 2016. Along with co-counsel Chief Appellate Defender Robert M. Dudek, on December 31, 2015, counsel filed the initial reply brief of appellant in the Supreme Court in the capital case of State v. Ricky Blackwell.

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 petition for writ of certiorari and appendix 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,



David Alexander
Appellate Defender

Attorney for Petitioner



Robert M. Dudek
Chief Appellate Defender

February 18, 2016

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
Roger L. Couch, Circuit Court Judge

HOWARD LEE SIMS,

PETITIONER,

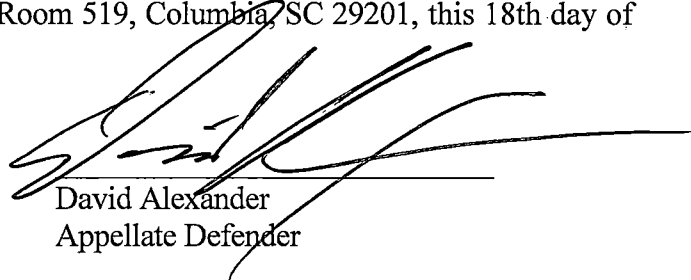
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE


I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Alicia Olive, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 18th day of February, 2016.



David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 18th day
of February. 2016.

 (L.S.)

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