

 ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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

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RECEIVED

MAR 27 2016

SC SUPREME COURT

HOWARD LEE SIMS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-002302

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

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Counsel for Howard Lee Sims respectfully requests a **final thirty (30) day extension, until April 20, 2016**, 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 third request for an extension. In support of this request, counsel shows:

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

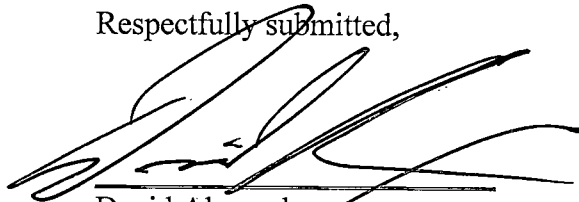
3. Counsel had an oral argument in the case of State v. Willie Williams before the Court of Appeals on March 9, 2016. Counsel had an oral argument in the case of Darrell Goss v. State before the Court of Appeals on March 7, 2016. Along with co-counsel Chief Appellate Defender Robert M. Dudek, on February 29, 2016, counsel filed a motion for stay, for a new PCR hearing before a different circuit judge, and, alternatively, to alter or amend the judgment pursuant to Rule 59(e) in the death penalty case of Marion Lindsey v. State with the Court of Common Pleas in Spartanburg County. Along with co-counsel Chief Appellate Defender Robert M. Dudek, on February 26, 2016, counsel filed a renewed petition for extraordinary relief in the Supreme Court's original jurisdiction in the death penalty case of Marion Lindsey v. State. Counsel filed the initial reply brief in the case of In the Matter of the Care and Treatment of Jeffrey Allen Chapman with the Supreme Court on March 2, 2016. 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.

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 April 20, 2016**, 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,



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David Alexander  
Appellate Defender

Attorney for Petitioner.

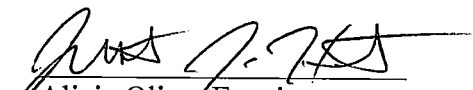


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Robert M. Dudek  
Chief Appellate Defender

This 21st day of March, 2016.

I consent:



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Alicia Olive, Esquire