

**ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Charleston County  
Roger E. Henderson, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

APR - 8 2016

**SC SUPREME COURT**

TOMMY MONTGOMERY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-002163

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

Counsel for Tommy Montgomery 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 Tommy Montgomery respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

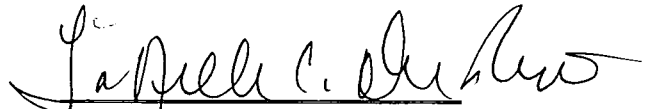
number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Randy Mitchell v. The State in this Court on April 6, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Brian Sekerchak v. The State in this Court on March 28, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Elliott Judon with the Court of Appeals on March 23, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Antwan Jett with the Court of Appeals on March 14, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Robert Johnson v. The State in this Court on March 9, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Richard Hatchell v. The State in this Court on March 3, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Erick Wannamaker v. The State in this Court on February 29, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Tremain Davis v. The State in this Court on February 23, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Christopher Clemons v. The State in this Court on February 17, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Daevon Williams with the Court of Appeals on February 9, 2016.

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.

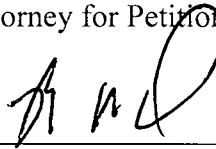
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "LaNelle C. Durant", written over a horizontal line.

LaNelle C. Durant  
Appellate Defender

Attorney for Petitioner

A handwritten signature in black ink, appearing to read "R M Dudek", written over a horizontal line.

Robert M. Dudek  
Chief Appellate Defender

April 8, 2016

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IN THE SUPREME COURT

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TOMMY MONTGOMERY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

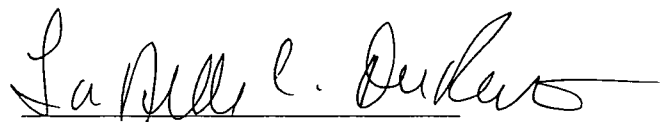
RESPONDENT

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CERTIFICATE OF SERVICE

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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 Rutledge Johnson, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 8<sup>th</sup> day of April, 2016.



LaNelle C. Durant  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 8th day  
of April, 2016.

Christian Ford (L.S.)

Notary Public for South Carolina

My Commission Expires: March 1, 2026.