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SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY

James R. Barber, III, Circuit Court Judge

Appellate Case Number: 2014-001774

Phillip H. Crocker, III

Petitioner,

v.

State of South Carolina

Respondent.

Petition to Extend Time to File Petition for Writ of *Certiorari*

The Petitioner, Phillip H. Crocker, III, petitions this Court to extend time to file the petition for writ of *certiorari* until Wednesday, July 20, 2016.

- 1) Mr. Crocker's application for post-conviction relief arises out of a jury trial and conviction for murder. The Appendix will be over 2,500 pages.
- 2) Counsel is a solo practitioner with a statewide trial, appellate, and post-conviction practice.
- 3) In 2016, counsel has had an unusually high number of appellate deadlines. In January 2016, he filed initial briefs in *State v. Michael Beaty, Jr.*, Court of Appeals Case No. 2015-000718 and *State v. Preston Shands, Jr.*, Court of Appeals Case No. 2015-001199, both involving sentences of life imprisonment without the possibility of parole. Also in January 2016, counsel filed a return to the State's petition for an extraordinary writ of *certiorari* in *Jerry Inmon v. State*, Supreme Court Case No. 2015-

002634, a capital post-conviction relief case. In February 2016, counsel filed a petition for writ of *certiorari* in *Charles Vandross v. State*, Supreme Court Case No. 2014-000650. Counsel was scheduled to defend a murder charge starting on Monday, February 29, 2016, *State v. Trey Brown*, Abbeville Case No. 2014-GS-01-0111, 0112, but that case resulted in a plea. In March 2016, Counsel filed a Brief in Opposition to the State's Petition for Writ of Certiorari in *South Carolina v. John Kennedy Hughey*, United States Supreme Court Case Number 15-880 and a Response to State's Motion to Expedite Petition for Extraordinary Writ in *Jerry Inmon v. State, supra*. In April 2016, counsel filed a Reply to the State's Brief in Opposition to a petition for writ of *certiorari* in *Dean and Brown v. Keel*, SCOTUS Case No. 15-8412, a petition for writ of certiorari in this Court on *State v. Tommie Weathers, Jr.*, Appellate Case No. 2015-00636, an initial brief in *Crenshaw v. Erskine College*, Court of Appeals Case No. 2015-002090, and a petition for writ of *habeas corpus* in *Bryant v. Stirling*, C/A No. 9:15-mc-00217-DCN-BM.

4) Counsel has been methodically working through all of these appellate cases, blocking time to complete work on each case including this case. Although counsel is working on pleadings in other appellate cases, Mr. Crocker's case is the only remaining appeal on counsel's case list involving an opening brief resulting from a jury trial.

5) In addition to these appellate cases, counsel is involved in the evidentiary in a capital post-conviction relief case, *William O. Dickerson, Jr. v. State*, Case No. 2012-CP-10-3216, which has involved court appearances on December 7-8, 2015, March 31, 2016, and May 12-13, 2016. A discovery deposition is scheduled for April 20, 2016, and

the evidentiary hearing will resume on May 27, 2016. It was not anticipated that the evidentiary hearing would be this drawn out.

6) Counsel is also involved in *State v. Bennie Brown, Jr.*, a Laurens County double murder charge. This case was capital until the Circuit Court ruled Mr. Brown was not eligible for the death penalty because of his Intellectual Disabilities. Following this ruling, the case was scheduled for trial for June 27, 2016 and has involved pre-trial motions hearings on June 16, 17, and 22, 2016. This trial was scheduled in the manner, in part, in deference to co-counsel who is defending Dylann Roof and was willing to waive his protection if the trial could be scheduled far enough in advance of Mr. Roof's trial. Counsel intends to finish Mr. Crocker's petition once Mr. Brown's trial is complete.

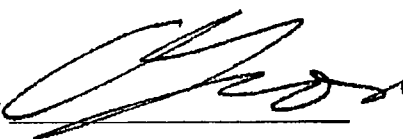
7) This request is made in good faith and is not intended for delay. Counsel believes good cause and exceptional circumstances exists for this extension request. Filing the petition for writ of *certiorari* will be a top priority in the next thirty days.

Mr. Crocker, therefore, respectfully requests this Court to extend time to file the petition for writ of *certiorari* until Wednesday, July 20, 2016.

Counsel also respectfully requests this Court accept this petition out of time. It was due on June 20, 2016, but was overlooked because of activities in Mr. Brown's case.

IT IS SO MOVED.

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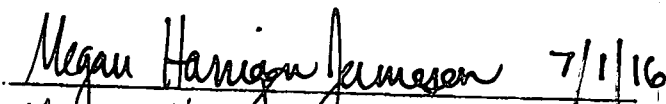
By 

E. Charles Grose, Jr.
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646
(864) 538-4466

Attorney for Appellant

June 22, 2016
Greenwood, South Carolina

I do not oppose.

 7/1/16
Megan Harigan Jameson
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

THE STATE OF SOUTH CAROLINA
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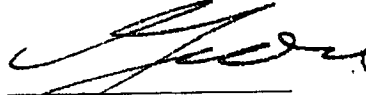
State of South Carolina

Respondent.

Certificate of Service

I certify that I serve a copy of this petition on the State of South Carolina and prior appointed counsel by placing a copy in the US Mail, postage prepaid, on the date reflected below.

Jamison
Megan Harrigan Jamison, Esquire
Office of the Attorney General
P.O. Box 11549
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June 22, 2016
Greenwood, South Carolina



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SC SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

July 1, 2016

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Phillip Crocker, #298423 v. State of South Carolina
Appellate Case No. 2014-001774
Lower Court Case No. 2006-CP-40-06124

Dear Mr. Shearouse:

Per opposing counsel's request, enclosed please find the extension request with my signature.

Sincerely,

Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No: 100108

MHJ/jcb

cc: Charles Grose, Esquire