

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Marlboro County

Thomas A. Russo, Circuit Court Judge

---

**RECEIVED**

JUL 06 2016

**SC SUPREME COURT**

VONDELL MALACHI,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2015-002429

---

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

---

Counsel respectfully requests a **final extension of thirty (30) days until August 5, 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 is due to be served and filed with the Court today.

2. Counsel 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 the initial brief of appellant in the case of The State v. Joseph Umphlett with the Court of Appeals on June 30, 2016. Counsel filed the amended petition for writ of certiorari and accompanying appendix in the case of Charles Junious v. The State of South Carolina in the Supreme Court on June 28, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Trey Levar Garner v. The State of South Carolina in the Supreme Court on June 20, 2016. Counsel filed the Motion to Reconstruct the Record and Hold Appeal in Abeyance in the case of The State v. William Caughman with the Court of Appeals on June 17, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Marie Ass'ad-Faltas with the Court of Appeals on June 13, 2016. Counsel filed the return opposing the state's motion to strike petition for writ of certiorari, appendix, and supplemental appendices for failure to comply with rule 210(c), SCACR in the case of Tunzy Sanders v. The State of South Carolina in the Supreme Court on May 27, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Dustin Evans v. The State of South Carolina in the Supreme Court on May 25, 2016. Counsel filed the initial brief of appellant in the case of The State v. Gerome Smith with the Court of Appeals on May 20, 2016. Counsel filed the initial reply brief of appellant in the case of The State v. Lance L. Miles with the Court of Appeals on May 16, 2016. Counsel filed the motion to remand in the case of The State v. Joe Ross Worley with the Court of Appeals on May 4, 2016. Counsel filed *White v. State* brief of appellant in the case of Daniel Hamrick v. The State of South Carolina in the Supreme Court on May 2, 2016.

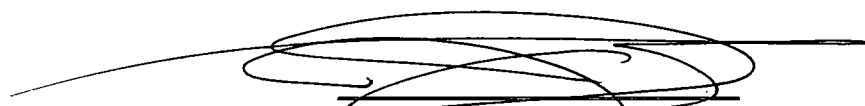
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office consents to this request as shown by signature below.

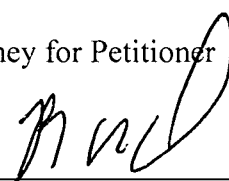
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until August 5, 2016**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances.

Respectfully submitted,



John F. Strom  
Appellate Defender

Attorney for Petitioner



Robert M. Dudek  
Chief Appellate Defender

This 6<sup>th</sup> day of July, 2016

I Consent:



Caitlin Hastings, Esquire