

PETITION FOR A WRIT OF CERTIORARI TO THE  
COURT OF APPEALS

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY  
Court of General Sessions

Honorable J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2015-001576

**RECEIVED**

**SEP 19 2016**

**S.C. SUPREME COURT**

The State of South Carolina,

Respondent/Petitioner,

v.

Venancio Diaz Perez,

Petitioner/Respondent.

MOTION FOR EXTENSION TO FILE  
REPLY BRIEF OF RESPONDENT-PETITIONER  
(TO "RESPONSE BRIEF OF PETITIONER/RESPONDENT VENANCIO DIAZ PEREZ")

ALAN MCCRORY WILSON  
Attorney General

AMIE L. CLIFFORD  
Special Assistant Attorney General  
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S.C. Bar No. 1285

Other Counsel of Record:

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ATTORNEYS FOR RESPONDENT

ATTORNEYS FOR PETITIONER

Pursuant to Rule 263(b), SCACR, and this Court's Order of July 16, 2014 (Re: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals), the State of South Carolina requests a 4-day extension of time to file its Reply Brief.

I.

The State's Reply brief is due to be served and filed today, Monday, September 19, 2016.

II.

Counsel for the State, Special Assistant Attorney General Amie Clifford, did previously obtain a 20-day extension to file the State's initial brief in this matter. That extension was requested because – before even receiving the Court's order granting *certiorari* – she left her office and the state from June 18 through the evening of July 12, 2016, to help her sister, who had an unexpected, serious health issue arise requiring surgery and subsequent treatment.

Extraordinary circumstances have affected the ability of the undersigned counsel to finish the Reply Brief in this matter. She was out of her office and the State from the evening of August 31 through the night of September 11 for the purpose of again helping her sister, who is still undergoing treatment and needs assistance. While the undersigned counsel finished, and the Attorney General's Office filed, the State's Brief of Respondent (Respondent-Petitioner) in this matter, she was unable to work on the State's Reply Brief while she was out of the office and state, and has not been able to finish it.

III.

This extension request is not intended to delay these proceedings, but to ensure sufficient time for the undersigned counsel to further develop and refine the State's arguments for this Court.

WHEREFORE, for the foregoing reasons, the State respectfully requests a 4-day extension

of time (until Friday, September 23) to prepare, serve and file its Brief; and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN MCCRORY WILSON  
Attorney General

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BY:   
ATTORNEYS FOR RESPONDENT/PETITIONER

September 19, 2016

Columbia, South Carolina

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**PROOF OF SERVICE**

I, Angela Bennett, certify that I have served the Motion for Extension of Time to File Reply Brief of Respondent/Petitioner on petitioner/respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorneys of record:

Jason Scott Luck, Esquire  
38 Broad Street, Suite 200  
Charleston, South Carolina 29401

Robert M. Dudek, Esquire  
Commission of indigent Defense  
Office of Appellate Defense  
P.O. Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.

This 19<sup>th</sup> day of September, 2015.



ANGELA BENNETT  
Administrative Assistant  
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ALAN WILSON  
ATTORNEY GENERAL

September 19, 2016

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S.C. SUPREME COURT

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P.O. Box 11330  
Columbia, South Carolina 29211

Re: The State v. Venancio Diaz Perez  
Appellate Case No: 2015-001576

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the Motion for Extension of Time to File Reply Brief of Respondent/Petitioner along with proof of service in the above-referenced case.

Sincerely,

Amie L. Clifford  
Special Assistant Attorney General  
S.C. Bar No: 1285

ALC/ab  
Enclosures

cc: Jason Scott Luck, Esquire  
Robert M. Dudek, Esquire  
Ms. Trisha Allen