

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Abbeville County
Honorable Frank R. Addy, Circuit Court Judge

RECEIVED

OCT 10 2016

Opinion No. 2016-UP-257 (S.C. Ct. App. Filed June 8, 2016)

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

JAMES SCOTT CROSS,

PETITIONER.

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a one-time final ten day extension, **until October 20, 2016** in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case based **on the extraordinary circumstance of the Hurricane that prevented counsel from working on this petition.** In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.

2. **Due to Hurricane Matthew, both our office and the Court were closed from October 5-7 and reopened today.** This is a one-time extraordinary request under the extension order of this Court. .

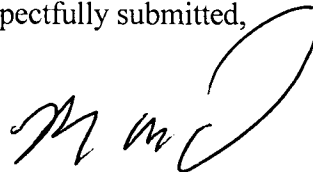
3. On October 3, 2016, counsel filed the petition for writ of certiorari in the case of Richey Lamont Boyd v. State with this Court. On September 30, 2016, counsel filed the initial brief of appellant in the case of State v. Jeffrey Dana Andrews with the Court of Appeals. Counsel presented at the Public Defender's Conference on Case Law Update and three error preservation exercises on September 26, 2016. On September 8, 2016, counsel had an oral argument in the case of State v. Joshua Griffith before the Court of Appeals. On September 8, 2016, counsel had an oral argument in the case of State v. Shannon Scott before the Court of Appeals. On September 7, 2016, counsel had an oral argument in the case of State v. Raheem D. King before this Court. On September 6, 2016, counsel filed the return to petition for writ of certiorari in the case of Vernell W. Harris v. State with this Court. On August 30, 2016, counsel was second chair on the reply filed in support of the petition for writ of certiorari in the case of Sammie Louis Stokes v. State with the Supreme Court of the United States. On August 8, 2016, counsel filed the brief of petitioner in the case of Marion Bowman v. State with this Court.

4. This request is made in good faith, and not for purposes of delay. Counsel expects to have **all future extensions within acceptable expectations.**

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

WHEREFORE, for the above-mentioned reasons the undersigned counsel would respectfully request a one-time ten day extension, **until October 20, 2016**, under the **truly extraordinary circumstances portion of this Court's extension rule** in which to serve and file the petition for writ of certiorari and accompanying appendix. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director/
J. Hugh Ryan, III
General Counsel

This 10th day of October, 2016.

I consent:



for

Mark Farthing, Esquire

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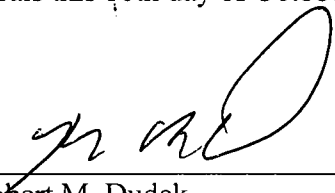
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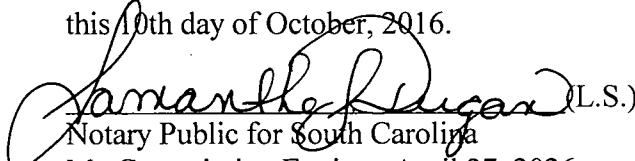
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies the petition for extension to file the petition for writ of certiorari and appendix in the above referenced case has been served upon Mark Farthing, Esquire, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, and the S.C. Court of Appeals this 10th day of October, 2016.


Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 10th day of October, 2016.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: April 27, 2026..