

2012-212042

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to York County
Lee S. Alford, Circuit Court Judge

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MAY - 4 2012

S.C. Supreme Court

Opinion No. 4942 (S.C. Ct. App. filed 2/15/2012)
08-GS-46-03141 to 03145

THE STATE,

RESPONDENT,

V.

JOMAR ANTAVIS ROBINSON,

APPELLANT

**PETITION TO EXTEND THE TIME FOR FILING
THE PETITION FOR WRIT OF CERTIORARI
FROM THE COURT OF APPEALS
OUT OF TIME**

The undersigned Chief Appellate Defender would respectfully petition for a thirty day extension to file the petition for writ of certiorari and accompanying appendix from the Court of Appeals to this Court out of time in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

1. Appellate Defender Elizabeth Franklin-Best represented appellant and she left this office to return to private practice effective May 1, 2011. Counsel Franklin-Best filed a petition for rehearing with the Court of Appeals on March 1, 2012 after the Court of Appeals affirmed

COA# 2009-121168

appellant's conviction in State v. Jomar Antavis Robinson, Op. No. 4942 (filed February 15, 2012). The petition was rehearing was subsequently denied.

2. The petition for writ of certiorari from the Court of Appeals and accompanying appendix in this case were due to be served and filed Monday, April 30, 2012. Undersigned counsel more than a year ago instituted "a stamp system" wherein anytime a non-Anders opinion came into the office the attorney -- if he or she lost -- was responsible for informing their assistant whether rehearing would be sought or the case closed, and also to do so in writing by way of the initialing the stamped opinion. Similarly, if rehearing was denied the attorney would inform the assistant verbally, and in writing by way of the "stamp system" whether the case would be closed or certiorari sought. Each stamped item has to be dated and initialed by both the attorney and the assistant to indicate the action expected to be taken and to verify the client had been notified in writing of the Court's action and any future action or statute of limitations involved.

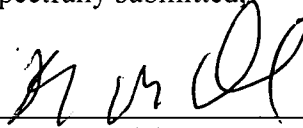
3. In this case the stamped denial of the rehearing petition indicating certiorari was going to be sought was inadvertently filed and apparently never made it to the assistant to calendar the due date on the certiorari petition. Upon information and belief the remittitur in this case **has not been sent** by the Court of Appeals and undersigned counsel today is also serving the Court of Appeals with this petition to file the petition for writ of certiorari out-of-time.

4. If this motion is granted the reassigned Appellate Defender will **not seek any further extensions**.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension in which to file the petition for writ of certiorari to the Court of Appeals and accompanying

appendix with this Court out-of-time based upon a break down in office procedure and inadvertence.

Respectfully submitted,

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

Robert M. Dudek
Chief Appellate Defender

May 4, 2012

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IN THE SUPREME COURT

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THE STATE,

RESPONDENT,

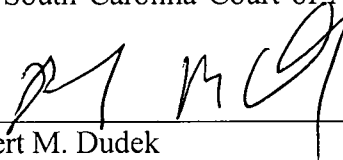
V.

JOMAR ANTAVIS ROBINSON,

APPELLANT

CERTIFICATE OF SERVICE

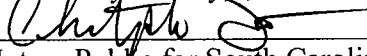
The undersigned attorney hereby certifies that a true copy of the petition for extension to extend the petition for writ of certiorari from the court of appeals out of time in the above referenced case has been served upon Harold M. Coombs, Jr., Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, and the South Carolina Court of Appeals this 4th day of May, 2012.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.

SUBSCRIBED AND SWORN TO before me
this 4th day of May, 2012.



(L.S.)
Notary Public for South Carolina
My Commission Expires: May 16, 2021