

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Spartanburg County

Keith R. Kelly, Circuit Court Judge

RECEIVED

NOV 15 2016

S.C. SUPREME COURT

MARION EARL STEWART,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2016-001234

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

The undersigned counsel respectfully requests a **final thirty day extension, until December 15, 2016**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. 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. Counsel filed the Initial Brief of Appellant in the case of The State v. Emmanuel Elleby with the Court of Appeals on November 9, 2016. Counsel filed the Petition for Writ of Certiorari in the case of Frederick Flowers v. The State of South Carolina with this Court on

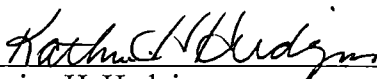
November 9, 2016. Counsel filed the Petition for Rehearing in the case of Shanna Kranchick v. The State of South Carolina with the Court of Appeals on November 9, 2016. Counsel filed the Johnson Petition for Writ of Certiorari and appendix in the case of LeArthur Hills v. The State of South Carolina with this Court on October 31, 2016. Counsel filed the Initial Brief of Appellant in the case of The State of South Carolina v. Nathaniel Wright with the Court of Appeals on October 25, 2016. Counsel filed the Initial Brief of Appellant in the case of The State of South Carolina v. Holly Jo Thompson with the Court of Appeals on October 17, 2016. Counsel filed the Reply Brief of Petitioner in the case of The State of South Carolina v. Maurice Odom with the Court of Appeals on October 17, 2016. Counsel filed the Johnson Petition for Writ of Certiorari and the accompanying appendix in the case of Gregory Pencille v. The State of South Carolina with this Court on October 14, 2016. Counsel filed the Initial Brief of Appellant in the case of The State of South Carolina v. Holly Jo Thompson with the Court of Appeals on October 17, 2016. Counsel filed the Anders Brief of Appellant, Designation of Matter, and Record on Appeal in the case of The State v. Rasheed T. Glover with the Court of Appeals on October 10, 2016. Counsel filed the Johnson Petition for Writ of Certiorari and the accompanying appendix in the case of Johnny James Edwards, Jr v. The State of South Carolina with the Court of Appeals on September 30, 2016. Counsel filed the Anders Brief of Appellant and record on appeal in the case of The State of South Carolina v. Randy Glenn with the Court of Appeals on September 28, 2016. Counsel filed the Petition for Writ of Certiorari and the accompanying appendix in the case of The State of South Carolina v. William Anthony Wallace with the Court of Appeals to this Court on September 19, 2016. Counsel filed the Petition for Writ of Certiorari and the accompanying appendix in the case of The State of South Carolina v. Marco Sanders with the Court of Appeals to this Court on September 19, 2016.

3. As indicated by his consent below, counsel for the state does not oppose this request.

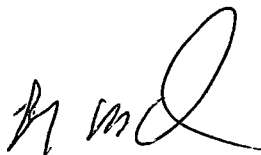
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until December 15, 2016**. 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,



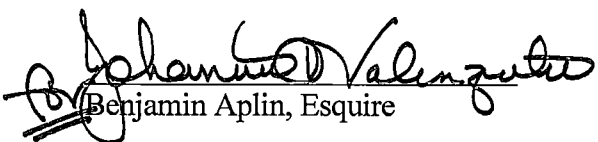
Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

November 15, 2016

I do not oppose:



Benjamin Aplin, Esquire