

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL

Certiorari to Berkeley County
Honorable Kristi Lea Harrington, Circuit Court Judge

CLARENCE J. FISHBURNE,

PETITIONER,

RECEIVED

NOV 23 2016

S.C. SUPREME COURT

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001228

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

Counsel for Clarence J. Fishburne respectfully requests an extension of thirty (30) days 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 second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. Counsel for Clarence J. Fishburne 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 her caseload, counsel hopes that no further extension requests will be required.

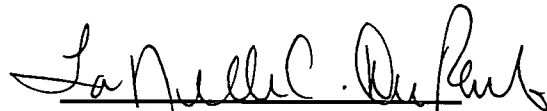
3. Counsel filed petition for writ of certiorari and the accompanying appendix along with Anders brief of appellant pursuant to White v. State in the case of Samuel Brown v. State in this Court on November 23, 2016. Counsel filed initial brief of appellant and designation of matter in the case of State v. David Wilkins Ross in the Court of Appeals on November 16, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Ricky D. Cheeks v. State in this Court on November 10, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Lasheda Cokley v. State in this Court on November 1, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Stanley S. Davis v. State in this Court on October 26, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Ancel Ramon Harris v. State in this Court on October 24, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Larold Morris v. State in this Court on October 20, 2016. Counsel filed initial brief of appellant and designation of matter with accompanying record on appeal in the case of State v. Steven E. Jennings in the Court of Appeals on October 12, 2016. Counsel filed petition for writ of certiorari to the Court of Appeals in the case of The State v. Arthur Moseley in this Court on October 11, 2016. Counsel filed initial brief of appellant and designation of matter with accompanying record on appeal in the case of State v. Lorenzo Ragin in the Court of Appeals on October 4, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Lynel Witherspoon v. State in this Court on September 23, 2016.

4. Counsel makes this request in good faith and not for purpose of delay.

5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



LaNelle C. Durant
Appellate Defender

Attorney for Petitioner



Robert M. Dudek
Chief Appellate Defender

November 23, 2016

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Berkeley County
Honorable Kristi Lea Harrington, Circuit Court Judge

CLARENCE J. FISHBURNE,

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V.

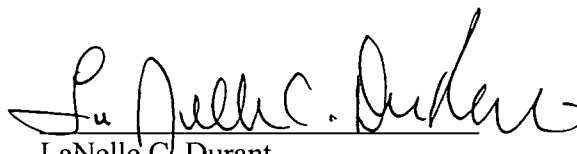
STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001228

CERTIFICATE OF SERVICE

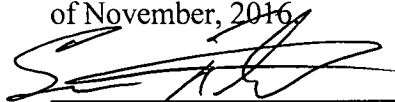
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Alicia Olive, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 23rd day of November, 2016.



LaNelle C. Durant
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 23rd day
of November, 2016.



(L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.