



Division of Appellate Defense
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November 23, 2016

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S.C. SUPREME COURT

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

Re: Robert Louis Garrett, Jr., v. The State of South Carolina
Appellate Case No. 2016-001448

Dear Mr. Shearouse:

In its order dated November 7, 2016, this Court relieved PCR counsel Fulton Casey Cornwell, and ordered the Division of Appellate Defense to provide this Court with the explanation required by Rule 243 (c), SCACR, within twenty (20) days of the order. Undersigned counsel has drafted that response, and it appears there may be grounds to allow this PCR appeal to proceed. There may be merit to an argument that Petitioner's Garrett's position that he should have been granted an evidentiary hearing to determine whether his assertions of after-discovered evidence were brought forth within one year after their discovery, and whether the met the five part test for granting a new trial based on after-discovered evidence.

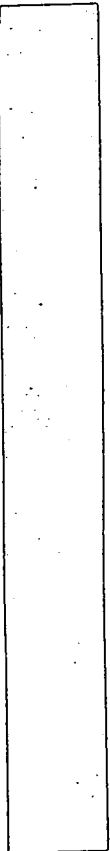
However, Undersigned Counsel requests a five day extension until, **December 2, 2016**, in order to file this response. The orders in this case are confusing, and therefore, even though a draft for this response has been completed pursuant to Rule 243 (c), SCACR, counsel would respectfully request this five day extension in order to ensure he has all of the relevant documents needed for this response, and he does not mislead this Court.

By copy of this letter, I am informing Julie Coleman, Esquire, of the Office of the Attorney General, of this extension request. Thank you for your cooperation and assistance in this matter. Please contact me if you have any questions or concerns.

Sincerely,

Robert M. Dudek
Chief Appellate Defender


RMD/blw
cc: Julie Coleman, Esquire



SC Commission on Indigent Defense
Division of Appellate Defense
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The Honorable Darriel E. Shearouse
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