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STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Lexington County  
DeAndrea G. Benjamin, Circuit Court Judge

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RECEIVED

DEC 14 2016

MATTHEW J. EARGLE,

S.C. SUPREME COURT

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-001761

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

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Counsel for Matthew J. Eargle 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 Matthew J. Eargle 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.

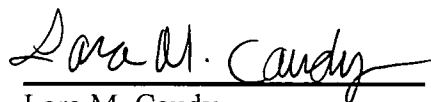
3. Today, counsel will argue the case of The State v. Stepheno Jemain Alston before this Court. On December 15, 2016, counsel will argue the case of The State v. Tiphani Marie Parkhurst before this Court. On December 9, 2016, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Troy Wright v. The State of South Carolina with this Court. On December 1, 2016, counsel, along with co-counsel, Robert M. Dudek, filed the reply to the return to petition for writ of certiorari in the death penalty case of Anthony Woods v. The State of South Carolina with this Court. On November 21, 2016, counsel filed the brief of petitioner in the case of Keith Desue v. The State of South Carolina with this Court. On November 16, 2016 counsel filed the petition for writ of certiorari and the brief of appellant pursuant to White v. State in the case of Steven Spagnoli v. The State of South Carolina with this Court. On November 3, 2016, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Felix Kotowski with the Court of Appeals. On October 10, 2016, counsel filed the initial brief of appellant and designation of matter in The State v. Jonathon Phillips with the Court of Appeals.

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.

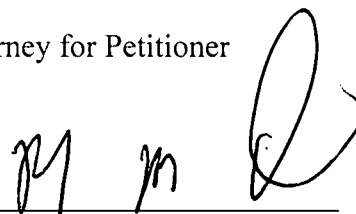
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling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

Respectfully submitted,



Lara M. Caudy  
Appellate Defender

Attorney for Petitioner



Robert M. Dudek  
Chief Appellate Defender

December 14, 2016

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IN THE SUPREME COURT

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MATTHEW J. EARGLE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

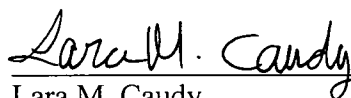
RESPONDENT

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CERTIFICATE OF SERVICE

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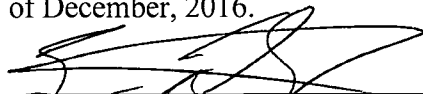
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Johanna Valenzuela, Esquire, Senior Assistant Deputy Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 14th day of December, 2016.



Lara M. Caudy  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 14th day  
of December, 2016.

 (L.S.)

Notary Public for South Carolina  
My Commission Expires: October 30, 2022.