

STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2016-001666
Lower Court Case No. 2013-CP-08-2121

RECEIVED

JAN - 3 2017

S.C. SUPREME COURT

JUSTIN R. HILLERBY, #339543,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

PETITIONER'S MOTION FOR EXTENSION OF TIME

THIS MATTER comes before the Court by way of an appeal from a Post-Conviction Relief Order. The Petition for a Writ of Certiorari and Appendix are due for filing on December 29, 2016. The Petitioner is requesting a fourth thirty-day extension of time in which to file these documents because in the difficulty in assembling the record. During the PCR hearing below, the Petitioner introduced nine exhibits and the Respondent introduced three. Although the case arises out of Berkeley County, the hearing was held in Charleston County. According to the Berkeley County Clerk of Court's Office, the exhibits were received in Charleston by the Charleston County Clerk of Court's Office following the PCR hearing and then mailed to the Berkeley County Clerk

of Court's Office. However, the Berkeley County Clerk of Court's Office has no record of receiving the exhibits and does not have possession of the exhibits. Consequently, it appears that the exhibits introduced by both parties below were lost at some point in time after they left the custody of the Charleston County Clerk of Court's Office. Undersigned counsel has consulted with opposing counsel regarding the loss of the exhibits, and the Petitioner believes that the parties are in agreement to replace the exhibits as best as can be done. The Petitioner further believes that the exhibits can be replaced and that the record can be made complete again within the thirty-day extension period. The Petitioner will not request any further extensions of time barring any unforeseen difficulties in restoring the exhibits. Undersigned counsel has consulted with opposing counsel regarding this request, and opposing counsel consents to the extension.¹

Respectfully submitted,



JEREMY A. THOMPSON
Attorney and Counselor at Law

Law Office of Jeremy A. Thompson, LLC
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Columbia, SC 29211
803-779-2555
803-779-2556 FAX
jeremyatlaw@yahoo.com

ATTORNEY FOR PETITIONER.

This 29th day of December, 2016.

¹ Inasmuch as counsel for the Petitioner is a sole practitioner, he has not obtained any additional signatures to this motion. See In re Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings, S.C. Sup. Ct. Order filed March 18, 2009.

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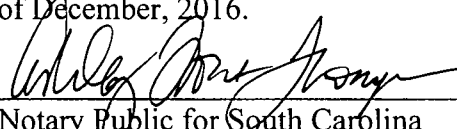
RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Petitioner's Motion for Extension of Time in the above-entitled case has been served upon opposing counsel, Alicia Olive, Assistant Attorney General, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211, by depositing in the U.S. mail with proper postage, this 29th day of December, 2016.


JEREMY A. THOMPSON
ATTORNEY FOR THE PETITIONER

SWORN TO BEFORE me this 29th day
of December, 2016.


Notary Public for South Carolina
My Commission Expires: 2/22/18



LAW OFFICE OF
JEREMY A. THOMPSON
LLC

December 29, 2016

RECEIVED

JAN -3 2017

S.C. SUPREME COURT

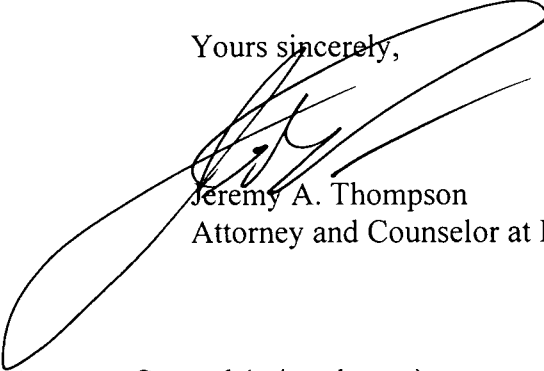
The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211-1330

RE: Justin R. Hillerby, #339543 v. State of South Carolina; 2016-001666

Dear Mr. Shearouse:

Enclosed please find the original and one copy of my motion for extension of time in the above-captioned matter. I would appreciate your filing the original motion, clocking the copy, and returning the remaining copy to me in the enclosed self-addressed, stamped envelope. If I can be of any further assistance to the Court in this matter, please do not hesitate to contact me. With my thanks for the Court's assistance in this matter, and my best regards, I am,

Yours sincerely,


Jeremy A. Thompson
Attorney and Counselor at Law

JAT/
Enclosures

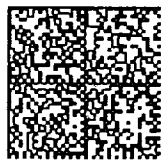
cc: Alicia Olive, Assistant Attorney General (w/ enclosure)
Justin R. Hillerby, #339543 (w/ enclosure)
Vicki Clearman (w/ enclosure)



LAW OFFICE OF
JEREMY A. THOMPSON
LLC

P.O. Box 12891, Columbia, SC 29211

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211-1330



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