

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

RECEIVED

JAN 17 2017

MATTHEW JENNINGS EARGLE,

S.C. SUPREME COURT

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2016-001761

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

Counsel for Matthew Jennings Eargle respectfully requests a **final thirty (30) day extension, until February 16, 2017**, 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 third request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix are due to be filed with the Court today. The Court has granted counsel two previous extensions.

2. Counsel for Matthew Jennings 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.

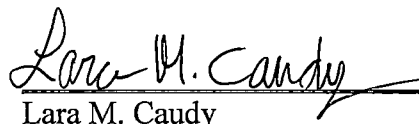
3. On January 9, 2017, counsel filed the petition for writ of certiorari and the accompanying appendix in the case of Carols J. Kemp v. The State with this Court. On January 3, 2017, counsel filed the brief of petitioner in the case of The State v. Ryan P. Deleston with this Court. On December 22, 2016, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Marvin Williams with the Court of Appeals. On December 15, 2016, counsel had an oral argument in The State v. Tiphani Parkhurst before this Court. On December 14, 2016, counsel had an oral argument in The State v. Stepheno Alston 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. State with this Court. On December 1, 2016, counsel filed the reply to the return to petition for writ of certiorari in the death penalty case of Anthony Woods v. State with this Court. On November 21, 2016, counsel filed the brief of petitioner in Keith Desue v. State 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. State with this Court.

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

5. Counsel for the Attorney General's office consents to this request as shown by signature below.

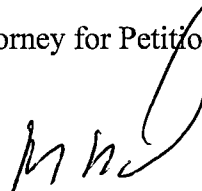
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until February 16, 2017**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Lara M. Caudy
Appellate Defender

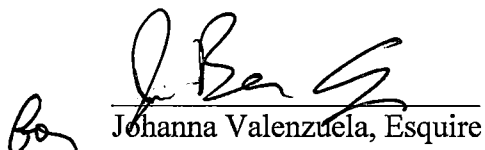
Attorney for Petitioner.



Robert M. Dudek
Chief Appellate Defender

This 17th day of January, 2017.

I consent:


Johanna Valenzuela, Esquire