

ORIGINAL



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

March 23, 2017

RECEIVED

MAR 23 2017

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

S.C. SUPREME COURT

Dear Mr. Shearouse:

In absence of Robert M. Dudek, Chief Appellate Defender, Hugh Ryan, Executive Director of the South Carolina Commission on Indigent Defense and Hervery Young, Deputy Attorney and General Counsel for the South Carolina Commission on Indigent Defense and W. Lawrence Brown, Deputy General Counsel and Training Director and pursuant to instructions from Mr. Ryan, I ask that you accept this cover letter as an attempt to comply with the Court's order dated March 18, 2009, in regard to extension requests.

In the attached motion for an extension of time, Chief Appellate Defender, Robert M. Dudek, seeks a one month extension of time to file the petition. Based on that and his extremely heavy case load, as outlined in the motion, he was unable to complete the petition for writ of certiorari and accompanying appendix.

Thank you for allowing me to bring this to your attention. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Rodney Grizzle  
Comptroller  
South Carolina Commission on  
Indigent Defense

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Saluda County  
William P. Keesley, Circuit Court Judge

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**RECEIVED**

MAR 23 2017

S.C. SUPREME COURT

ALLEN ALTORIAN. RAUCH,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2016-002054

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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 Allen Altorian Rauch respectfully requests a **final thirty (30) day extension, until April 24, 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. 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.
2. Counsel for Allen Altorian Rauch 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 his caseload, counsel hopes that no further extension requests will be required.

3. On March 20, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Stanley Miller with the Court of Appeals. On March 15, 2017, counsel filed the initial brief of appellant and designation of matter in the SVP case of In the Matter of the Care and Treatment of John Henry Dorsey with the Court of Appeals. On March 10, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. John M. Ghent, Jr. with the Court of Appeals. On March 9, 2017, counsel, along with co-counsel, Lara M. Caudy, filed the reply brief of petitioner in the case of The State v. Ryan P. Deleston with this Court. On February 28, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tyrone Malcolm Benn with the Court of Appeals. On February 24, 2017, counsel presented at the 26<sup>th</sup> Annual Criminal Law Seminar. On February 23, 2017, counsel filed the petition for rehearing in the case of The State v. Calvert Myers with the Court of Appeals. On February 22, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tommy Lee Wiseman with the Court of Appeals. On February 16, 2017, counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Ahshaad Owens with the Court of Appeals. On February 16, 2017, counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Sylvester Keejuan King with the Court of Appeals. On February 8, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Lindell Davis with the Court of Appeals. On February 1, 2017, counsel filed the brief of respondent in the case of Marshall Heath Collins v. The State with this Court. On February 1, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Brian Terrell with the Court of Appeals. On January 30, 2017, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jerod Swinton v. The State with this Court. On

January 27, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Robert Ware with the Court of Appeals. On January 26, 2017, counsel filed the petition for rehearing in the case of The State v. Jalann Williams with the Court of Appeals. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training four less experienced appellate defenders and reading all of their writings.**

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 April 24, 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,



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Robert M. Dudek  
Chief Appellate Defender


Attorney for Petitioner.

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J. Hugh Ryan, III  
Executive Director/  
Hervy B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 23<sup>rd</sup> day of March, 2017.

I consent:

*for*   
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Jessica Kinard, Esquire