

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

Honorable Alison Renee Lee, Circuit Court Judge

ORTAVIOUS R. MITCHELL,

PETITIONER,

V.

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2016-002232

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

Counsel for Ortavious R. Mitchell 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 Ortavious R. Mitchell 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.

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S.C. SUPREME COURT

3. Counsel filed the initial brief of appellant in State v. Gerald D. Powell with the Court of Appeals on April 28, 2017. Counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Stephon Robinson with this court on April 21, 2017. Counsel filed the petition for writ of certiorari in Harry Lawrence Anthony v. State with this Court on April 20, 2017. Counsel filed the petition for rehearing in In the matter of the care and treatment of Calvin Joe Miller with the Court of Appeals on April 13, 2017. Counsel filed the initial brief of appellant in State v. Branden Joshua Kirby with the Court of Appeals on April 11, 2017. Counsel filed the initial reply brief in State v. Richard Capell with the Court of Appeals on April 6, 2017. Counsel filed the Johnson petition for writ of certiorari in Stevie Aiken v. State with this court on April 6, 2017. Counsel filed the initial brief of appellant in State v. Robert Isaiah Graham with the Court of Appeals on April 4, 2017. Counsel filed the initial brief of appellant in State v. Kevin Lamar Gary in the Court of Appeals on March 29, 2017. Counsel filed the petition for writ of certiorari to the Court of Appeals in State v. David Glover with this court on March 27, 2017. Counsel filed the return to petition for writ of certiorari in Normal Mitchell v. State with this court on March 23, 2017. Counsel filed the petition for rehearing in Letron Davis v. State with this Court on March 16, 2017.

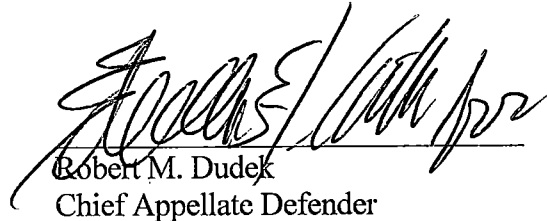
4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office has been informed of this request.

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,



Laura R. Baer
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

Attorney for Petitioner

May 3, 2017

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CERTIFICATE OF SERVICE


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 Justin J. Hunter, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 3rd day of May, 2017.



Laura R. Baer
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 3rd day
of May, 2017.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023