

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Aiken County
Honorable Robert E. Hood, Circuit Court Judge

RECEIVED

MAY 11 2017

ALBERT J. CAVE,

PETITIONER, SUPREME COURT

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2016-002383

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

Counsel for appellant 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:

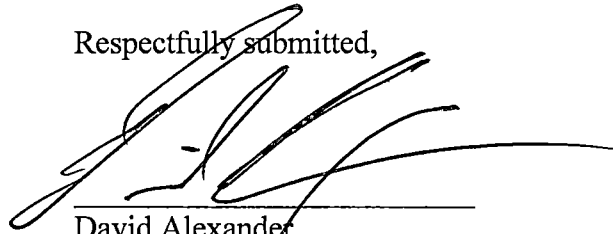
1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. Counsel for appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel intends to file the brief of respondent in the case of Brandon Garren v. State with this Court today, May 11, 2017. Counsel filed the brief of petitioner in the case of State v. Gerald Barrett with this Court on May 4, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Gerald Gadsden with the Court of Appeals on April 24, 2017. Counsel had an oral argument in the case of State v. Lorenzo Young on April 17, 2017, before the Court of Appeals. Counsel also was second chair in the **death penalty case** of Marion Bowman v. State which was argued on April 13, 2017, before this Court by the Chief Appellate Defender, and counsel was heavily involved in the preparation for that argument. Counsel had an oral argument in the case of State v. James Allen Johnson before this Court on April 13, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Lee Dell Bradley with the Court of Appeals on March 31, 2017. Counsel filed the Petition for Writ of Certiorari in the case Joseph Pettigrew Sanders , IV, v. State with this Court on March 20, 2017. Counsel had an oral argument in the case State v. Gerald R. Williams before the Court of Appeals on March 14, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case Jason Shane Lawson v. State with this Court on March 8, 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.

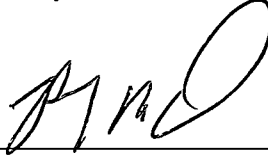
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Alexander', written over a horizontal line.

David Alexander
Appellate Defender

Attorney for Petitioner

A handwritten signature in black ink, appearing to read 'R. M. Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

May 11, 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 Julie Coleman, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 11th day of May, 2017.



David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 11th day of May, 2017.

Maia Leindel (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.