

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Barnwell County

Honorable Robert E. Hood, Circuit Court Judge

RECEIVED
JUN 07 2017
S.C. SUPREME COURT

JOSEPH O'NEIL SIMMONS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2016-002502

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

Counsel for Joseph O'Neil Simmons 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 Joseph O'Neil Simmons 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. Counsel will file the initial brief of appellant in State v. Anthony M. Enriquez with the Court of Appeals today, June 7, 2017. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in State v. Stephon Robinson with this Court on May 24, 2017. Counsel filed the Johnson petition for writ of certiorari in the case of Darrin Graham v. State with this Court on May 24, 2017. Counsel filed the petition for writ of certiorari in Kevin Casey v. State with this Court on May 17, 2017. Counsel filed the initial brief of appellant in State v. Patrick McGowan with the Court of Appeals on May 11, 2017. 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 the matter of the care and treatment of Calvin Joe Miller with the Court of Appeals on April 13, 2017.

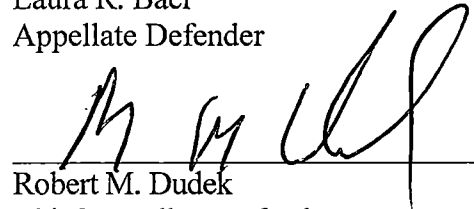
4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office has been informed of this request.

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

June 7, 2017

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

JOSEPH O'NEIL SIMMONS,

PETITIONER,


V.

STATE OF SOUTH CAROLINA

RESPONDENT

CERTIFICATE OF SERVICE

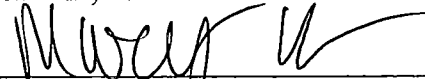
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Julie Coleman, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 7th day of June, 2017.



Laura R. Baer
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 7th day
of June, 2017.



(L.S.)
Notary Public for South Carolina
My Commission Expires: May 12, 2027