

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Sumter County

Honorable George C. James, Circuit Court Judge

RECEIVED

JUL 12 2017

S.C. SUPREME COURT

SHONTA HELTON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2016-002388

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI AND
ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests an **exigent final two day extension, until Friday July 14, 2017**, in which to file the petition for writ of certiorari, accompanying appendix and a White v. State, 263 S.C. 119, 10 S.E.2d 35 (1974) belated appeal brief in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today. Counsel respectfully submits that exigent circumstances exist which warrant the granting of a final two day additional extension of time.

2. This case involves a certiorari petition from the denial of PCR, and a White v. State, 263 S.C. 119, 10 S.E.2d 35 (1974) belated appeal brief. The belated appeal brief involves

a highly unusual motion to recuse the trial judge, the Honorable Jeffrey Young. The testimony at the PCR hearing, and how the issue arose during the trial seemed to indicate the recusal motion was also made during a pre-trial hearing. After consulting with Assistant Attorney General Julie Coleman, undersigned counsel has confirmed that there was no pre-trial hearing transcript involved. More importantly to this motion, undersigned counsel **has been working extensively on the case of *State v. Kayla Wright***, and counsel is making his fourth recent trip to Leath Correctional Institution in Greenwood, South Carolina today to consult with his client on important legal matters in that case. These trips and consultations have prevented counsel from filing the White v. State brief, and certiorari petition in the present highly unusual accessory before the fact of murder, and murder trial case where the appendix is eight hundred and forty three pages long. Counsel has dictated the brief of appellant pursuant to White v. State in the above-referenced case, and he will be preparing the petition for writ of certiorari for filing on Friday, July 14, 2017. Counsel regrets the necessity of this highly unusual final exigent two day extension brought on by his recent extensive work in the *State v. Kayla Wright* case. Counsel filed the petition for writ of certiorari and accompanying appendix in the murder case of The State v. Joshua Griffith with this Court to the Court of Appeals on July 5, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tekysha Cohen with the Court of Appeals on June 30, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jayquan Wilmore with the Court of Appeals on June 29, 2017. Counsel filed the return to motion to stay the scheduling of a petition and return until consideration and ruling on petitioner's Rule 243(C), SCACR explanation in the death penalty case of Brad Keith Sigmon v. The State with this Court on June 23, 2017. Counsel filed the petition for stay of execution in the death penalty case of The State v. Ricky Lee Blackwell with this Court on June 15, 2017. Counsel filed the motion to unseal the briefs and the record on appeal in the death penalty case of The State v. Ricky Lee Blackwell with this Court on June 15, 2017. Counsel filed the initial

brief of appellant and designation of matter in the case of The State v. Jacob Michael Hendricks with the Court of Appeals on June 14, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of In the Interest of: Dillon H., a Juvenile Under the Age of Seventeen with the Court of Appeals on June 5, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Antonio Ross with the Court of Appeals on May 26, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tashon Earl Hurell with the Court of Appeals on May 19, 2017. Counsel filed the petition for rehearing on an additional sustaining ground issue in the case of The State v. Shannon Scott with the Court of Appeals on May 18, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Calvert Myers with this Court on May 16, 2017. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Royres Antwon Patterson with the Court of Appeals on May 12, 2017. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight,**

3. As indicated by his consent below, counsel for the state does not oppose this request.

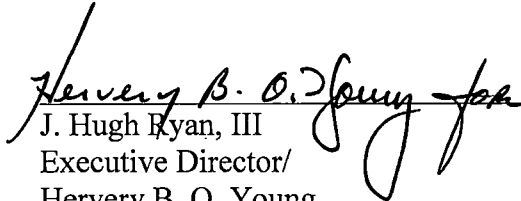
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a **final two day exigent circumstance extension, until Friday July 14, 2017**, in which to file the petition for writ of certiorari and accompanying appendix, and the White v. State belated appeal brief of appellant. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



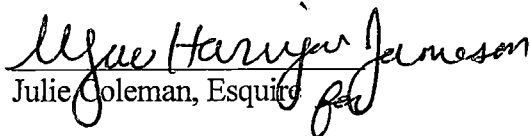
Robert M. Dudek
Chief Appellate Defender



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

July 12, 2017

I do not oppose:



Julie Coleman, Esquire