

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Lee County

Honorable Jocelyn J. Newman, Circuit Court Judge

ERNEST TONEY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-000063

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

Counsel respectfully requests a **final extension of thirty (30) days until August 16, 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. This is a third request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today.
2. Counsel respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted

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S.C. SUPREME COURT

and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ontario Stefon Patrick Makins in the Court of Appeals on July 14, 2017. Counsel filed the return to the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of The State of South Carolina v. Alexander Carmichael Huckabee, III in the Supreme Court on July 11, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Billy Geisendorff in the Court of Appeals on July 7, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Douglas Kelly Phillips in the Court of Appeals on July 5, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Thomas Lewis Bloodsaw v. The State of South Carolina in the Supreme Court on July 3, 2017. Counsel filed the petition for rehearing in the case of The State v. Demario Monte Thompson in the Court of Appeals on June 29, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Raymond Angelo Scott in the Court of Appeals on June 19, 2017. Counsel filed the brief of petitioner and accompanying appendix in the case of Curtis Nealy v. The State of South Carolina in the Supreme Court on June 16, 2017. Counsel held an oral argument in the case of Shawn Lee Wyatt v. The State of South Carolina in the Supreme Court on June 14, 2017. Counsel held an oral argument in the case of The State v. John Arthur Thomas in the Court of Appeals on June 8, 2017. Counsel held an oral argument in the case of The State v. Lance Miles in the Court of Appeals on June 7, 2017.

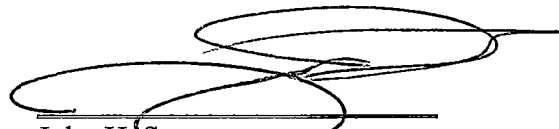
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office consents to this request as shown by signature below.

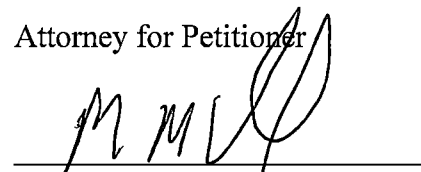
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until August 16, 2017**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances.

Respectfully submitted,



John H. Strom
Appellate Defender

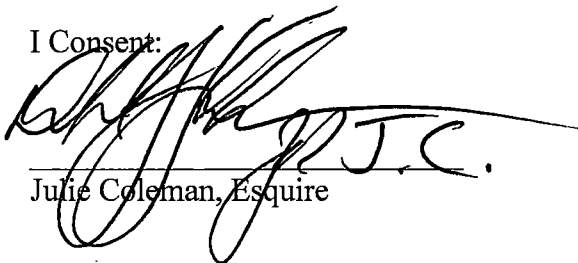
Attorney for Petitioner



Robert M. Dudek
Chief Appellate Defender

This 17th day of July, 2017

I Consent:



Julie Coleman, Esquire