

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Richland County

Robert E. Hood, Circuit Court Judge

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SEP 25 2017

S.C. SUPREME COURT

DAVID L. CARMICHAEL,

RESPONDENT,

V.

STATE OF SOUTH CAROLINA,

PETITIONER

Appellate Case No. 2015-000424

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PETITION FOR EXTENSION TO FILE  
THE BRIEF OF RESPONDENT

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The undersigned counsel respectfully requests a thirty day extension in which to file the brief of respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

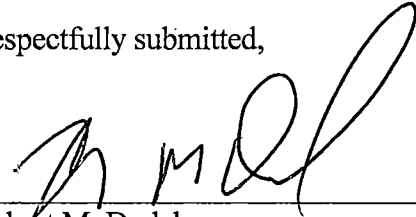
1. The brief of respondent in this case is due to be served and filed today.
2. Counsel prepared a CLE presentation on the case law update for the Public Defender Convention in Myrtle Beach, South Carolina for today, September 25, 2017. Counsel is also preparing two presentations for the Post-Conviction Relief workshop that will be held on Friday, September 29, 2017 at the office of the Commission on Indigent Defense. Counsel is doing research for the petition for writ of certiorari to the Supreme Court of the United States in the death penalty case of The State v. Ricky Lee Blackwell due in late October, 2017. Counsel

filed the return to petition for writ of certiorari to the Court of Appeals in the case of The State v. Shannon Scott with this Court September 21, 2017. Counsel filed the brief of petitioner in the case of The State v. James Scott Cross with this Court on September 15, 2017. Counsel filed the petition for rehearing in the case of The State v. Robert Lee Moore with the Court of Appeals on September 14, 2017. Counsel filed the petition for writ of certiorari in the case of Alfonzo J. Howard v. The State with this Court on September 8, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Edward Primo Bonilla with the Court of Appeals on September 1, 2017. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Shannon Scott with this Court on August 18, 2017. Counsel filed the petition for writ of certiorari in the case of Raphael Wooden v. The State with this Court on August 18, 2017. Counsel filed the initial reply brief of appellant in the case of The State v. John M. Ghent, Jr. with the Court of Appeals on August 10, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Kevin Lee Boyter with the Court of Appeals on July 26, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Crystal Garner with the Court of Appeals on July 26, 2017. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

3. 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 thirty day extension. Counsel respectfully requests that the time limits for filing the brief of respondent be held in abeyance pending a ruling on this motion.

Respectfully submitted,

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

Robert M. Dudek  
Chief Appellate Defender

September 25, 2017

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IN THE SUPREME COURT

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DAVID L. CARMICHAEL,

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V.

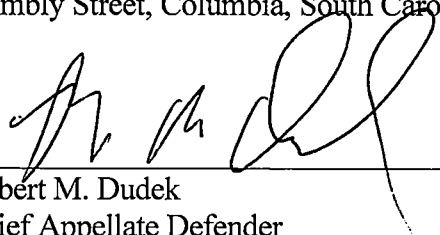
STATE OF SOUTH CAROLINA,

PETITIONER

Appellate Case No. 2015-000424  
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CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a true copy of the petition for extension to file the brief of respondent in the above referenced case has been served upon Clay Mitchell, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 25th day of September, 2017.

  
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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me  
this 25th day of September, 2017.

 (L.S.)  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: May 2, 2027.