

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

Certiorari to Lexington County
Clifton Newman, Circuit Court Judge

Opinion No. 5499 (S.C. Ct. App. filed 7/19/2017)
09-GS-32-0202
09-GS-32-0204
09-GS-32-0205

RECEIVED

OCT 05 2017

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

JO PRADUBSRI,

APPELLANT

APPELLATE CASE NO. 2015-000208

**MOTION TO FILE THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX OUT OF TIME**

The undersigned counsel petitions the Court to allow late filing of the petition for writ of certiorari and accompanying appendix in this case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The Published Opinion in this case was filed on July 19, 2017. Counsel filed the petition for rehearing on July 25, 2017.
2. The Court of Appeals denied the Petition for rehearing on August 18, 2017.
3. The petition for writ of certiorari was due to be filed on September 17, 2017.

However, based on a search of Appellate Defense records by undersigned counsel and office

support staff, counsel believes that the Court of Appeals' order denying the petition for rehearing was never received. Accordingly, the deadlines for filing the petition for writ of certiorari were not calendared.

4. Counsel has prepared and is filing the petition for writ certiorari and accompanying appendix simultaneously with this motion.

5. Counsel for the Attorney General's office, Assistant Attorney General William M. Blitch, Jr. has consented to this request.

6. Counsel makes this request in good faith and not for purpose of delay.

WHEREFORE, the undersigned counsel respectfully requests that the Court grant counsel's request to relax Rule 263(b), SCACR, and allow leave in which to file the petition for extension in which to file the petition for writ of certiorari and accompanying

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John H. Strom", is written over a horizontal line.

John H. Strom
Appellate Defender

October 5, 2017

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CERTIFICATE OF SERVICE

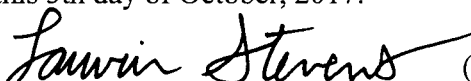
The undersigned attorney hereby certifies the motion to file the petition for writ of certiorari and appendix out of time in the above referenced case has been served upon William M. Blich Jr., Esquire, Assistant General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, and the S.C. Court of Appeals this 5th day of October, 2017



John H. Strom
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 5th day of October, 2017.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: July 5, 2027.