

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

ORIGINAL

\_\_\_\_\_  
Certiorari to Darlington County

Honorable G. Thomas Cooper, Circuit Court Judge  
\_\_\_\_\_

EUGENE AUSTIN GARDNER,

RECEIVED  
OCT 30 2017  
PETITIONER  
SUPREME COURT

V.

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2017-000881  
\_\_\_\_\_

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

Counsel for Eugene Austin Gardner respectfully requests an extension of thirty (30) days in which to file the return to petition for writ of certiorari 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 return to petition for writ of certiorari is due to be served and filed with the Court today.
2. Counsel for Eugene Austin Gardner 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 filed the Johnson petition for writ of certiorari in Robert Lee v. State with this Court on October 25, 2017. Counsel filed the initial reply brief in State v. Robert I. Graham with the Court of Appeals on October 19, 2017. Counsel filed the initial reply brief in State v. Anthony Enriquez with the Court of Appeals on October 17, 2017. Counsel filed the Johnson petition for writ of certiorari in Leron Dingle v. State with this Court on October 4, 2017. Counsel filed the petition for writ of certiorari in Dexter Walcott v. State with this Court on October 2, 2017. Counsel attended the Annual Public Defender Association Conference on September 25 through September 27, 2017 in Myrtle Beach, South Carolina. Counsel filed the petition for writ of certiorari in Joseph Loftin v. State with this Court on September 18, 2017. Counsel filed the initial brief of appellant in State v. Michael Finley with the Court of Appeals on September 15, 2017. Counsel filed the Johnson petition for writ of certiorari in the case of Michael Evans v. State with this Court on September 5, 2017.

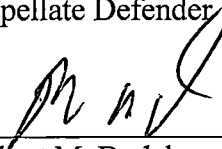
4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the return to petition for writ of certiorari 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

October 30, 2017

Attorney for Petitioner

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Certiorari to Darlington County  
Honorable G. Thomas Cooper, Circuit Court Judge

EUGENE AUSTIN GARDNER,

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 return to petition for writ of certiorari in the above case has been served upon Valerie Garcia Giovanoli, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 30<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
Laura R. Baer  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 30th day  
of October, 2017.

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