

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Lee County  
Jocelyn Newman, Circuit Court Judge

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ERNEST TONEY,

PETITIONER,

V.

THE STATE OF SOUTH CAROLINA,

RESPONDENT.

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Appellate Case No. 2017-000063

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**PETITION TO FILE OUT OF TIME**


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The undersigned counsel would respectfully requests to file the Petition for Writ of Certiorari and Appendix out of time. In support of this petition, Counsel would respectfully show the Court the following circumstances:

1. The Court substituted counsel by order dated September 14, 2017.
2. Pursuant to the September 14, 2017 order, the Petition for Writ of Certiorari and Appendix were due to be filed 30 days from the date of the order.
3. Counsel received this order on September 18, 2017.
4. Counsel inadvertently calendared this date on October 18, 2017, 30 days from when counsel received the order.
5. On October 18, 2017, Counsel emailed Opposing Counsel to request a 30 day extension to file.
6. Upon preparing the extension request, Counsel realized his calendaring error.
7. Counsel regrets this unintentional delay. This request is made in good faith, and not for purposes of delay.
8. Counsel had conferred with counsel for the state who does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully requests to file the Petition for Writ of Certiorari and Appendix out of time. Counsel requests that the time limits be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Tristan M. Shaffer (SC Bar 77565)  
P.O. Box 1027  
Chapin, SC 29036  
Phone: (803) 941-7514  
tshaffer@shafferlawsc.com

November 15, 2017

I DO NOT OPPOSE:



For: Julie Coleman  
Attorney for Respondent

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Colleton County

Jocelyn Newman, Circuit Court Judge  
\_\_\_\_\_

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S.C. SUPREME COURT

ERNEST TONEY,

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V.

STATE OF SOUTH CAROLINA,

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CERTIFICATE OF SERVICE  
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I certify that a true copy of the petition for writ of certiorari, the appendix, Petitioner's *White v. State* Brief, and the Petition to File Out of Time in this case have been served on Julie Coleman on the date below.

  
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Tristan M. Shaffer (SC Bar # 77565)  
P.O. Box 1027  
Chapin, SC 29036  
Phone: (803) 941-7514  
tristan@shafferlawsc.com

November 20, 2017