

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Spartanburg County

Honorable Edward W. Miller, Circuit Court Judge

ORIGINAL

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DEC 15 2017

S.C. SUPREME COURT

GABRIEL JON RIOS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2017-001549

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

Counsel for Gabriel Jon Rios respectfully requests a **final thirty (30) day extension, until January 15, 2018**, 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 are due to be filed with the Court today. The Court has granted counsel two previous extensions.
2. Counsel for Gabriel Jon Rios 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 his caseload, counsel hopes that no further extension requests will be required.

3. On December 13, 2017, counsel was present to testify in circuit court before the Honorable Clifton Newman in the PCR matter of Stewart Ard v. State, pursuant to a subpoena from the Attorney General. Counsel filed the brief of appellant in the case of State v. Jason Scott Morton with the Court of Appeals on December 7, 2017. Counsel filed the Petition for Writ of Certiorari and accompanying appendix with this Court in the case of Antrell Rashawn Felder v. State on December 4, 2017. On November 30, 2017, Counsel participated in an Appellate Practice and Advocacy CLE at the Bar Conference Center in Columbia. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of James Gibson with the Court of Appeals on November 29, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Charles Sullivan with the Court of Appeals on November 28, 2017. Counsel filed the brief of petitioner in the case of Darrell L. Goss v. State with this Court on November 20, 2017. On November 15, 2017, counsel had oral arguments before this Court in the case of State v. Gerald Barrett. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of State v. Lorenzo Bernard Young with this Court on November 13, 2017. Counsel filed the initial reply brief in the case of State v. Robin Renee Herndon with the Court of Appeals on November 9, 2017. Counsel had oral arguments before the Court of Appeals in the case of State v. Bobby Randolph Sims on November 8, 2017. Counsel attended a conference in Boston, Massachusetts on civil commitment for sexual offenders on November 3 – 5, 2017. On November 1, 2017, counsel appeared before the Honorable R. Knox McMahon on a remand from the Court of Appeals in the case of State v. Courtney L. Price. Counsel filed the petition

for rehearing in the case of State v. Vincent Missouri with the Court of Appeals on October 31, 2017. Counsel filed the brief of respondent in the case of State v. Jimmy Turner with this Court on October 30, 2017. Counsel assisted Chief Appellate Defender Robert M. Dudek in 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 filed on October 27, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jamal Daniels with the Court of Appeals on October 23, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Homer Arthur James with the Court of Appeals on October 20, 2017. Counsel filed the brief of petitioner in the case of State v. Corey Jamal Williams with this Court on October 9, 2017.

4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office consents to this request as shown by signature below.

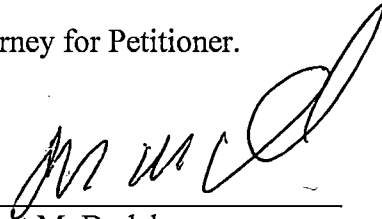
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until January 15, 2018**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander
Appellate Defender

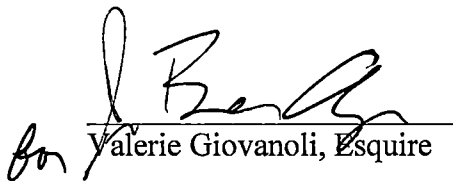
Attorney for Petitioner.



Robert M. Dudek
Chief Appellate Defender

This 15th day of December, 2017.

I consent:



Valerie Giovanoli, Esquire