

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM FLORENCE COUNTY
General Sessions Court
William H. Seals, Jr., Circuit Court Judge

Case No. 2013-GS-21-01353
Appellate Case No. 2015-000235

RECEIVED
DEC 27 2017
SC Court of Appeals

The State,

Respondent,

v.

Bryant Christopher Gurley,

Petitioner.

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 240 of the South Carolina Appellate Court rules, Petitioner, Bryant Christopher Gurley, respectfully moves for a 10-day extension of the deadline for filing a Petition for Writ of Certiorari, for good cause, and in support of this motion states as follows:

1. The Court of Appeals reversed the conviction of Petitioner in a decision filed August 9, 2017. The State filed a Petition for Rehearing en banc in the Court of Appeals. Anticipating that the State would seek rehearing of the issues decided in

Petitioner's favor, Petitioner also filed a Petition for Rehearing in the Court of Appeals, asking that the Court also address issues raised on appeal but not decided by the Court of Appeals. On November 22, 2017, the Court of Appeals issued an order denying both petitions for rehearing. Any Petition for Writ of Certiorari is due to be filed within 30 days, but the courts were closed December 22 through 26, therefore any Petition for Writ of Certiorari is due to be filed today, December 27, 2017.

2. On December 20, 2017, the State filed a Petition for Writ of Certiorari, seeking review by this Court of the issues decided in Petitioner's favor by the Court of Appeals. Because of the State's pursuit of further appellate review, Petitioner also intends to file a Petition for Writ of Certiorari to have the Supreme Court address the issues raised on appeal but not decided by the Court of Appeals.

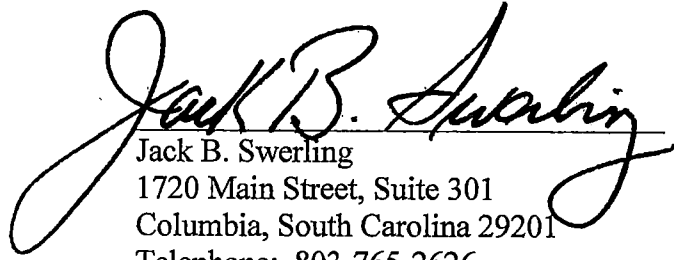
3. One of Petitioner's attorneys experienced a death in her immediate family during the initial 30-day period for filing a Petition for Writ of Certiorari. Due to that circumstance and the need to address personal and family matters as the result of that death, counsel's ability to work has been limited. Under these circumstances, good cause exists for granting a brief extension of the deadline for filing Petitioner's Petition for Writ of Certiorari. Accordingly, Petitioner respectfully moves for an additional 10 days in which to prepare, serve, and file his petition, to January 8, 2018.

4. This extension request is not for the purpose of delay but for good cause, due to the circumstances recited above, and no prejudice will result to the State from an order granting this extension request.

5. Counsel's staff has been unable to get consent from opposing counsel due to the holiday schedule.

Wherefore, Petitioner respectfully moves for a 10-day extension of the deadline for serving and filing Petitioner's petition for writ of certiorari, to January 8, 2018.

Respectfully submitted,


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Attorneys for Petitioner

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PROOF OF SERVICE

I certify that I have served the Motion for Extension, by mailing a copy, postage prepaid, to counsel for Respondent, Assistant Attorney General William M. Blicht, Jr., Office of the Attorney General, P.O. Box 11549, Columbia, South Carolina 29211-1549, on December 27, 2017.



Kellie A. Switzer
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December 27, 2017

VIA HAND-DELIVERY

The Honorable Daniel E. Shearouse
Clerk, SC Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

RE: The State v. Bryant Christopher Gurley
Appellate Case No.: 2015-000235

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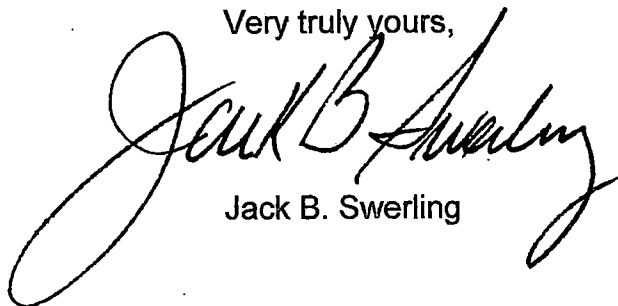
Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of a Motion for Extension of Time, along with the Proof of Service, in the above referenced matter.

By copy of this letter, I am serving William M. Blich, Jr., Assistant Attorney General, with a copy of same.

If you have any questions, do not hesitate to contact me.

Very truly yours,



Jack B. Swerling

JBS/kas
Enclosures

cc: ~~Clerk of Court, South Carolina Court of Appeals~~
William M. Blich, Jr., Assistant Attorney General
Katherine Carruth Goode, Esquire
Bryant C. Gurley #00362856
Kenrick K. Gurley

