

# The Supreme Court of South Carolina

RE: Extension Requests in Criminal Direct Appeals  
and Post-Conviction Relief Certiorari Proceedings

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## ORDER

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This Court finds that it is appropriate to establish a uniform policy for processing extension requests by counsel in criminal direct appeals and post-conviction relief (PCR) certiorari proceedings. Accordingly, the following procedures shall apply when an extension is requested in these cases at both this Court and the South Carolina Court of Appeals in both capital and non-capital cases.

(1) One extension of up to thirty (30) days each may be granted for any stage of the appellate proceeding without a showing of good cause.

(2) A second extension request may be granted upon a showing of good cause. The facts supporting good cause shall be set forth in the motion. The signature of the attorney on the motion shall be a

certification that the attorney believes that the extension is warranted and that there is good cause to seek the extension.

(3) A third extension may be granted upon a showing of good cause. The facts supporting the good cause shall be set forth in the motion. If filed by the Division of Appellate Defense or the Office of the Attorney General, the motion shall be signed by the attorney involved and his or her immediate supervisor. If filed by a private lawyer, the motion shall be signed by the attorney involved and, if lawyer is not a sole practitioner, by another member of the firm. The signatures on the motion shall be a certification by these attorneys that they believe that the extension is warranted and that there is good cause to seek the extension.

(4) A fourth or subsequent extension may be granted upon a showing of extraordinary circumstances. The motion must contain sufficient facts to show that there are extraordinary circumstances that warrant the extension, and must state what actions are being taken to insure that no further extension will be required. If filed by the Division of Appellate Defense, the motion shall be signed by the attorney involved, and the Executive Director of the Office of Indigent Defense or his or her chief

deputy. If filed by the Office of the Attorney General, the motion shall be signed by the attorney involved, and the Attorney General or his or her chief deputy. If filed by a private lawyer, the motion shall be signed by the attorney involved and, if lawyer is not a sole practitioner, by the senior partner or the next most senior partner in the firm. The signatures on the motion shall be a certification by these attorneys that they believe that the extension is warranted and that extraordinary circumstances are present.

(5) Counsel are expected to minimize extension requests, and multiple extensions should generally be sought only for a stage of the appellate proceeding which involves research or writing by the attorney, such as the preparation of a brief or the preparation of the petition for a writ of certiorari, return or reply in a PCR case.

(6) Nothing in this order shall be construed as preventing the Supreme Court or the Court of Appeals from further restricting extensions in an individual case when warranted, including cases which may be expedited.

IT IS SO ORDERED.

s/ Jean H. Toal C.J.

s/ John H. Waller, Jr. J.

s/ Costa M. Pleicones J.

s/ Donald W. Beatty J.

s/ John W. Kittredge J.

Columbia, South Carolina  
March 18, 2009