

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richaland County

Robert E. Hood, Circuit Court Judge

RECEIVED
FEB 26 2018
SC Court of Appeals

Opinion No. 2017-UP-440 (S.C. Ct. App. filed Nov. 22, 2017)

RICHARD A. CAPELL,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2018-000246

**PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS
AND APPENDIX**

Counsel for Richard A. Capell respectfully requests an extension of five (5) days in which to file the petition for writ of certiorari to the Court of Appeals 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 petition for writ of certiorari to the Court of Appeals and appendix are due to be served and filed with the Court today.
2. Counsel for Richard A. Capell 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 will file the petition for writ of certiorari in Christopher Seabrook v. State with this Court today, February 26, 2018. Counsel filed the petition for rehearing in Justin Johnson v. State with the Court of Appeals on February 15, 2018. Counsel filed the initial brief of appellant in State v. Roy Smith with the Court of Appeals on February 15, 2018. Counsel filed the brief of respondent in Stephon Robinson v. State with this Court on February 9, 2018. Counsel filed the Anders brief of appellant in State v. Matthew Pickens with the Court of Appeals on February 8, 2018. Counsel filed the initial brief of appellant in State v. Ashley Tindall with the Court of Appeals on February 1, 2018. Counsel filed the initial brief of appellant in State v. Dinal Keith with the Court of Appeals on February 1, 2018. Counsel filed the petition for writ of certiorari in Alfred Henson v. State with this Court on January 29, 2018. Counsel filed the reply to return in Anthony Martin v. State with this Court on January 26, 2018. Counsel filed the brief of petitioner in Stephon Robinson v. State with this Court on January 12, 2018. Counsel filed the return to petition for writ of certiorari in State v. Eugene Gardner with the Supreme Court on December 29, 2017. Counsel filed the petition for writ of certiorari in Robin G. Reese v. State with this Court on December 27, 2017.

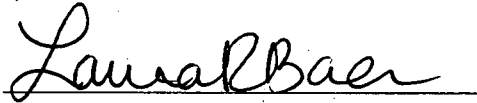
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel makes this request in good faith and not for purpose of delay.

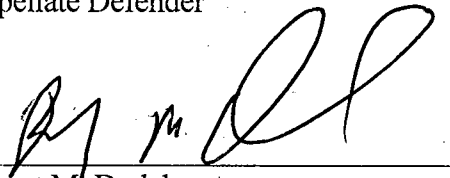
6. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request an additional extension of five (5) days in which to file the petition for writ of certiorari and that the time be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Laura R. Baer
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

February 26, 2018.

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IN THE SUPREME COURT

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PETITIONER,

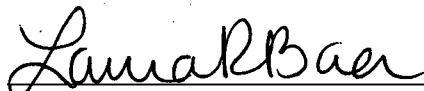
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

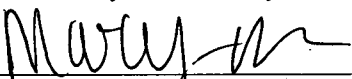
The undersigned attorney hereby certifies that a true copy of the petition for extension in which to file the petition for writ of certiorari and appendix in the above referenced case has been served upon V. Henry Gunter, Jr., Esquire, Assistant General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, and the S.C. Court of Appeals this 26th day of February, 2018.



Laura R. Baer
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 26th day of February, 2018.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: May 12, 2027.