

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

ORIGINAL

\_\_\_\_\_  
Certiorari to Spartanburg County  
G. Thomas Cooper, Jr., Circuit Court Judge  
\_\_\_\_\_

RECEIVED

MAY 16 2018

S.C. SUPREME COURT

JOHN M. KIRBY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-000050  
\_\_\_\_\_

PETITION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI  
AND ACCOMPANYING APPENDIX  
\_\_\_\_\_

The undersigned counsel respectfully requests a thirty day extension, **until June 15, 2018**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.

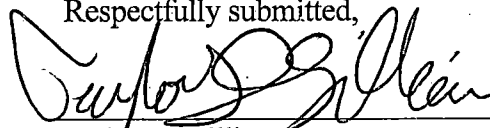
2. Counsel filed the petition for writ of certiorari and appendix in the case of William Justice v. State with this Court on May 14, 2018. Counsel filed the return to motion to substitute counsel in the case of State v. Derrick Lamount Furtick in the Court of Appeals on

May 7, 2018. Counsel filed the petition for writ of certiorari and appendix in the case of Victor Jones v. State with this Court on May 7, 2018. Counsel filed the petition for writ of certiorari and appendix in the case of Justin Henderson v. State with this Court on April 30, 2018. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Randall Matthew Simpson in the Court of Appeals on April 18, 2018. Counsel filed the petition for writ of certiorari and appendix in the case of Michael Anthony Rogers v. State with this Court on April 13, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jeffrey Whitsett with the Court of Appeals on April 6, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Derrick L. Furtick with the Court of Appeals on April 4, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of In the Interest of: Christopher H., A Juvenile Under the Age of Seventeen with the Court of Appeals on April 4, 2018. Counsel filed the petition for writ of certiorari and appendix in the case of Micahel Livingston v. State with this Court on March 27, 2018. Counsel filed the petition for writ of certiorari and appendix in the case of Elder Prescott Leach v. State with this Court on March 27, 2018. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of The State v. Stanley Wrapp in this Court on March 15, 2018.

3. This request is made in good faith, and not for purposes 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.

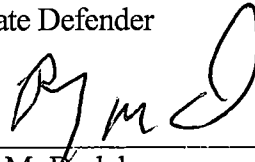
WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Taylor D. Gilliam  
Appellate Defender



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Robert M. Dudek  
Chief Appellate Defender

May 16, 2018

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Spartanburg County  
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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Jordan Cox, Esquire, Office of the Attorney General, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 16th day of May, 2018.

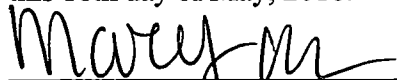


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Taylor D. Gilliam  
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me  
this 16th day of May, 2018.

 (L.S.)

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