

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Aiken County
Honorable Diane Schafer Goodstein, Circuit Court Judge

RECEIVED

MAY 30 2018

JAMES C. WHALEY,

PETITIONER, S.C. SUPREME COURT

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2017-001610

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

Counsel for petitioner respectfully requests an extension of thirty (30) days 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 second request for an extension. In support of this request, counsel shows:

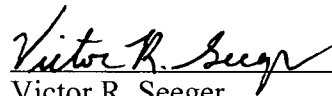
1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. Counsel for petitioner respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Brian Delonte Spann v. State with this Court on May 29, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of James Murphy, II v. State with this Court on May 29, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Anatavius Gadsden v. State with this Court on May 18, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Ashley Eugene Moore v. State with this Court on May 8, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Claudius Adrian Williams v. State with this Court on April 23, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Stefano Tyshawn Brooks v. State with this Court on April 16, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Cesar O. Portillo v. State with this Court on April 6, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Cary Glenn Ryals with the Court of Appeals on March 26, 2018.

4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office has been informed of this request.

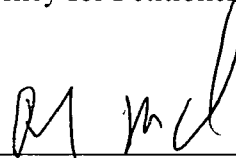
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling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

Respectfully submitted,



Victor R. Seeger
Appellate Defender

Attorney for Petitioner



Robert M. Dudek
Chief Appellate Defender

This 30th day of May, 2018

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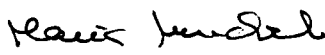
CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Julie Coleman, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 30th day of May, 2018.


Victor R. Seeger
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME
this 30th day of May, 2018.


_____(L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.