

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Sumter County

D. Craig Brown, Circuit Court Judge

ORIGINAL

RECEIVED

MAY 31 2018

S.C. SUPREME COURT

DERRICK DARBY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-002381

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

The undersigned counsel respectfully requests a thirty day extension 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 will file the initial brief of appellant and designation of matter in the case of The State v. Jimmy Kanipe with the Court of Appeals today, May 31, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jerry Scantling v. The State

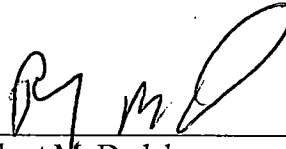
with this Court on May 29, 2018. Counsel had an oral argument in the case of The State v. Tashon Earl Hurrell with the Court of Appeals on May 22, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Traevis Mingo with the Court of Appeals on May 18, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Rose v. The State with this Court on May 18, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Atraus Dorrell Styles with the Court of Appeals on May 15, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Justin Jamal Warner with the Court of Appeals on May 9, 2018. Counsel had an oral argument in the case of The State v. James Cross with this Court on May 3, 2018. Counsel was a trainer in error preservation at the Public Defense III, three-day seminar in Greenville, South Carolina from April 30, 2018 – May 2, 2018. Counsel presented on Preserving the Record for Appellate Review in Anderson County, South Carolina on April 26, 2018 for the Anderson County Public Defenders and Rule 608 lawyers. Counsel filed the brief of petitioner in the case of The State v. Robert Lee Moore with this Court on April 25, 2018. Counsel filed the petition for writ of certiorari in the case of Erica Anderson v. The State with this Court on April 24, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Logan Mundy with the Court of Appeals on April 18, 2018. Counsel had an oral argument in the case of The State v. Shannon Scott with this Court on April 18, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Antonio Kenyardo Posey with the Court of Appeals on April 13, 2018. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Jason Pogue with the Court of Appeals on April 10, 2018. Counsel filed the brief of respondent in the case of Edward Young v. The State with this Court on April 6, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Steven Lewis with the Court of Appeals on April 4, 2018. **Counsel also has extensive**

administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training two less experienced appellate defenders

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,



Robert M. Dudek
Chief Appellate Defender

May 31, 2018

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IN THE SUPREME COURT

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V.

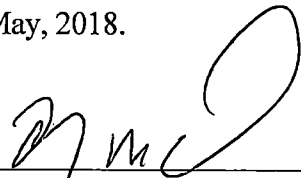
STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-002381

CERTIFICATE OF SERVICE

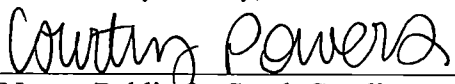
The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Julie Coleman, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 31st day of May, 2018.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 31st day of May, 2018.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: May 2, 2027.