

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Anderson County

Honorable Jocelyn J. Newman, Circuit Court Judge

ORIGINAL

RECEIVED

JUL 18 2018

JOSE L. CABARRUVIAS,

PETITIONER, SUPREME COURT

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2017-002516

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

Counsel for appellant 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 appellant 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.

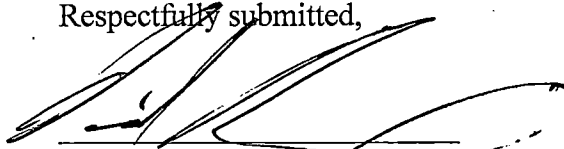
3. Counsel filed the return to petition for writ of certiorari and accompanying appendix in the case of Gregory Vincent Smith v. The State with this Court on July 13, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Randall Earl Sightler v. The State with this Court on July 3, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Gerald Rudell Williams with this Court on June 21, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of William Ricky Welch v. The State with this Court on June 18, 2018. On June 12, 2018, counsel had an oral argument in the case of Darrell L. Goss v. The State before this Court. On June 7, 2018, counsel had an oral argument in the case of The State v. Michael Juan Smith before the Court of Appeals. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of David Mario Johnson v. The State with this Court on May 30, 2018. Counsel had an oral argument in the case of The State v. James Kevin Bethel before this Court on May 23, 2018. Counsel filed the brief of petitioner in the case of The State v. Vincent Missouri with this Court on May 21, 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.

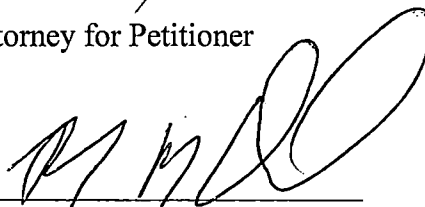
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Alexander', written over a horizontal line.

David Alexander
Appellate Defender

Attorney for Petitioner

A handwritten signature in black ink, appearing to read 'R. M. Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

This 18th day of July, 2018

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V.


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CERTIFICATE OF SERVICE

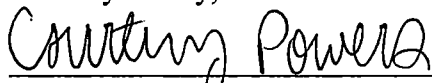
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Kelly Oppenheimer, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 18th day of July, 2018.



David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this
18th day of July, 2018.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: May 2, 2027.