

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

Letitia H. Verdin, Circuit Court Judge

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JUL 19 2018

S.C. SUPREME COURT

JOHNELL PORTER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-001605

**MOTION TO FILE THE PETITION FOR WRIT
OF CERTIORARI OUT OF TIME**

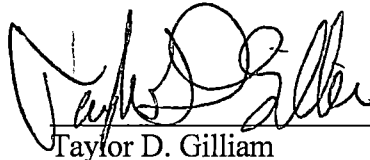
Counsel for Johnell Porter petitions the Court to allow late filing of the petition for writ of certiorari in this case. In support of this petition he shows:

1. The undersigned filed a Johnson Petition Pursuant to Austin v. State with this Court on February 2, 2018.
2. Counsel did not file a second petition as required by King v. State, 308 S.C. 348, 417 S.E.2d 868 (1992).
3. Simultaneous to this Motion, Counsel has prepared and is filing the second petition for writ of certiorari.

3. Counsel has spoken with Counsel for the Attorney General's office, Janell Gregory, who did not oppose this Motion.

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

WHEREFORE, the undersigned counsel respectfully requests that the Court grant counsel's request to relax Rule 263(b), SCACR, and allow leave in which to file the petition for extension in which to file the petition for writ of certiorari pursuant to King v. State in this case out of time.

A handwritten signature in black ink, appearing to read "Taylor D. Gilliam", written over a horizontal line.

Taylor D. Gilliam
Appellate Defender

ATTORNEY FOR PETITIONER

July 19, 2018

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from York County

Letitia H. Verdin, Circuit Court Judge

JOHNELL PORTER,

RESPONDENT,

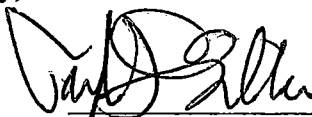
V.

STATE OF SOUTH CAROLINA,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the motion to accept the petition for writ of certiorari out of time in the above referenced case has been served upon Janell Gregory, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 19th day of July, 2018.



Taylor D. Gilliam
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 19th day of July, 2018.



(L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.