

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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JUL 26 2018

S.C. SUPREME COURT

Appeal from Richland County

Honorable Ralph King Anderson, III, Chief Administrative Law Judge

Appellate Case No. 2018-001225

NICHOLAS GEER, #227443,

RESPONDENT,

V.

S.C. DEPARTMENT OF PROBATION, PAROLE,
AND PARDON SERVICES,

PETITIONER.

MOTION EXTENSION OF TIME

Respondent, Nicholas Geer, through undersigned counsel, respectfully requests the Court grant an extension of time in which to serve and file his return to the petition for a writ of certiorari, currently due to be filed, July 30, 2018. Specifically, undersigned counsel requests an additional twenty (20) days in which to file the Return. In support of this motion, the undersigned would show this Court:

- (1) On May 23, 2018, the Court of Appeals affirmed the Administrative Law Court's decision. Petitioner filed a petition for writ of certiorari on June 27, 2018 and undersigned counsel received service of the petition on June 28, 2018.
- (2) On July 5, 2018, lead counsel for Mr. Geer, Ms. Zoe Jones, filed a motion to withdraw as counsel in this matter because she will be commencing a judicial clerkship, making

her unable to engage in the private practice of law. This Court granted her motion on July 11, 2018. To that point, Ms. Jones had primary responsibility for handling this case on behalf of Mr. Geer.

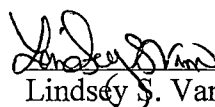
- (3) Undersigned counsel Lindsey Vann now has primary responsibility for handling this case on behalf of Mr. Geer and is working diligently to review the record, pleadings, and draft the response to the petition for writ of certiorari.
- (4) Since Petitioner filed the petition for writ of certiorari, Ms. Vann has prepared for and assisted in litigating a hearing in *State v. Northcutt*, No. 01-GS-32-880 on Mr. Northcutt's Motion to Reconsider Sentence. Ms. Vann has been retained as the mitigation investigator in Mr. Northcutt's case and preparation for the hearing required extensive investigation and witness and evidence preparation. The hearing commenced on July 23, 2018 and was scheduled to last four or five days before ending unexpectedly on July 24, 2018.
- (5) Undersigned counsel Vann is also appointed to represent Stephen Stanko in two, currently pending capital post-conviction proceedings. Before this Court, Ms. Vann (with the assistance of undersigned counsel Ms. Paavola) is currently preparing an appendix and petition for writ of certiorari scheduled to be filed on August 8, 2018. Before the circuit court, Ms. Vann represents Mr. Stanko in his Georgetown County capital post-conviction proceedings, currently on remand from this Court.
- (6) In addition to the case responsibilities described above, in the last thirty (30) days, Ms. Vann has also been actively working on the following cases: *Anthony Woods v. Stirling* (a capital federal habeas case); *Ricky Lee Blackwell v. State* (a capital PCR

case in the circuit court); and *State v. Jerome Jenkins* (a capital pre-trial case in the circuit court).

- (7) In addition to Ms. Paavola's case responsibilities described above, in the last thirty (30) days, Ms. Paavola has been actively working on the following cases: *Winkler v. State* (a capital PCR case in state court), *Stone v. State* (a capital PCR case in state court); *John Wood v. Stirling* (a capital federal habeas case); *Anthony Woods v. Stirling* (a capital federal habeas case); *Robertson v. State* (a capital PCR case in state court); *Stone v. Stirling* (a capital federal habeas case); and *State v. Taylor* (a non-capital direct appeal in state court). Ms. Paavola also has significant teaching, consulting and travel responsibilities with the Habeas Assistance and Training Project.

For the above reasons, which counsel believe constitute good cause under this Court's Order Dated July 16, 2001, undersigned counsel requests that this Court extend the deadline for filing the return to the petition for writ of certiorari in this case an additional twenty (20) days.

Respectfully submitted,



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Emily C. Paavola, SC Bar No. 77855
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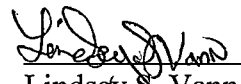
RESPONDENT,

PETITIONER.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Respondent's Motion for Extension of Time was served by first class United States mail, postage prepaid, this 26th day of July 2018, upon the following:

Tommy Evans, Jr.
S.C. Department of Probation, Parole and Pardon Services
P.O. Box 50666
Columbia, SC 29250


Lindsey S. Vann