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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
\_\_\_\_\_  
Certiorari to Berkeley County  
Maite Murphy, Circuit Court Judge  
\_\_\_\_\_

DAVID J. PENN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-000882  
\_\_\_\_\_

**PETITION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX**  
\_\_\_\_\_

The undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by one prior order of this Court.
2. Counsel filed the initial brief of appellant in the case of Joshua K. Cramer v. State in the Court of Appeals on September 4, 2018. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of William Lamont Seabrook v. State in the

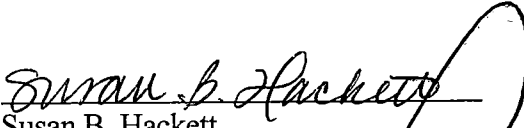
Supreme Court on August 29, 2018. Counsel filed the return to the state's petition for rehearing in the case of Benjamin Cervantes Hernandez v. State in the Court of Appeals on August 8, 2018. Counsel filed the petition for rehearing in the case of Benjamin Cervantes Hernandez v. State in the Court of Appeals on August 6, 2018. Counsel filed the initial reply brief of appellant in the case of Thomas Robert Shewtzuk v. State in the Court of Appeals on August 2, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Elijah Hudson v. State in the Supreme Court on August 1, 2018. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Norman Lance Garner in the Court of Appeals on July 30, 2018. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Rodney R. Green in the Supreme Court on July 23, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Philip David Guderyon in the Court of Appeals on July 18, 2018. Counsel was a guest speaker at the Blues, BBQ & Bar CLE on July 13, 2018, in Greenwood, South Carolina, sponsored by the South Carolina Association of Criminal Defense Lawyers. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kirk Willis v. State in the Supreme Court on July 12, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Holmes Andrew Simpson-Davis in the Court of Appeals on July 11, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tito Harris v. State in the Supreme Court on July 10, 2018.

3. This request is made in good faith, and not for purposes of delay.

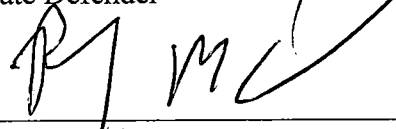
WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the

time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,

Handwritten signature of Susan B. Hackett in cursive script, written over a horizontal line.

Susan B. Hackett  
Appellate Defender

Handwritten signature of Robert M. Dudek in cursive script, written over a horizontal line.

Robert M. Dudek  
Chief Appellate Defender

September 5, 2018

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Berkeley County  
Maite Murphy, Circuit Court Judge

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DAVID J. PENN,  
  
PETITIONER,

V.

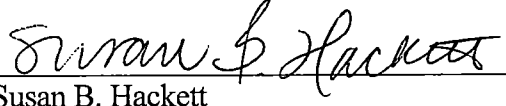
STATE OF SOUTH CAROLINA,  
  
RESPONDENT

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CERTIFICATE OF SERVICE


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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 Megan H. Jameson, Esquire, Senior Assistant Deputy Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, S.C. 29201 this 5<sup>th</sup> day of September, 2018.

  
\_\_\_\_\_  
Susan B. Hackett  
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me  
this 5<sup>th</sup> day of September, 2018.

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