

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Berkeley County

Maite Murphy, Circuit Court Judge  
\_\_\_\_\_

ORIGINAL  
RECEIVED  
OCT 05 2018  
S.C. SUPREME COURT

DAVID JUSTIN 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 **final thirty-day extension until November 5, 2018** 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 two prior orders of this Court.
2. Counsel filed the brief of petitioner in the case of William McCladdie v. State in the Court of Appeals on October 4, 2018. Counsel filed the petition for writ of certiorari and

accompanying appendix in the case of Richard Todd Culberson v. State in the Supreme Court on October 1, 2018. Counsel attended the 2018 Annual Public Defender Conference from September 23 through September 26, 2018 in Myrtle Beach, S.C. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marvin Xavier Porcher v. State in the Supreme Court on September 21, 2018. Counsel filed the initial brief of appellant in the case of State v. Ricky Esaw in the Court of Appeals on September 17, 2018. 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.

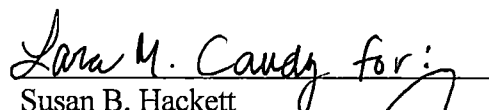
3. This request is made in good faith, and not for purposes of delay.

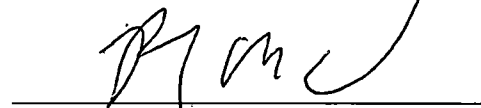
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until November 5, 2018** 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,

  
Susan B. Hackett  
Appellate Defender

  
Robert M. Dudek  
Chief Appellate Defender

October 5, 2018

I DO NOT OPPOSE:

  
Megan Harrigan Jameson