

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APR 11 2019

S.C. SUPREME COURT

APPEAL FROM HORRY COUNTY

Court of Common Pleas

Honorable William H. Seals, Jr, Circuit Judge

Case No.: Case No. 2018-000396

Richard B. Niles, Jr. 333708.....PETITIONER

V.

State of South Carolina.....RESPONDENT

PETITION FOR AN EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI  
AND ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a final thirty day extension, until May 10, 2018, in which to file the petition for writ of certiorari and accompanying appendix in the above referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed April 10, 2019.

2. Counsel represents Deshawn Gathers in a Charleston County General Sessions jury trial that will be called April 8, 2019. (2017A1010201142-43; and 2017A1010201175). Counsel represents a respondent in a sexually violent predator civil commitment jury trial that will be called April 15, 2019 (In the Matter of the Care and Treatment of Timothy J Brown 2017-CP-10-3450) and another respondent in a sexually violent predator civil commitment trial that will be called either April 17, or 18, 2019. (In the Matter of the Care and Treatment of Antonio D. Young, 2017-CP-10-3932). During the week of March 18, 2019 Counsel represented the following applicants in post-conviction relief hearings in Charleston County: Levell Grant, 2017-CP-10-1247; King Conyers, 2018-CP-10-494; Gussie Hilton; 2018-CP-10-2615; Tyrel Collins, 2018-CP-10-1611;

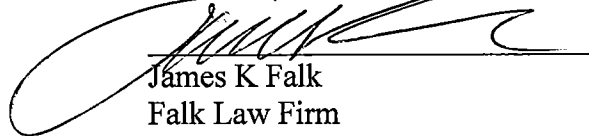
Gerald Green, 2017-CP-10-2804; Antonio Young, 2018-CP-10-1724; Antwan Grant, 2018-CP-10-3251. During the week of March 25, 2019 counsel represented the following petitioners in post-conviction relief cases in Horry County: Jamie Giles, 2017-CP-22-0556; Derrell Green, 2016-CP-26-2171; Brittany Johnson, 2016-CP-26-6535; Alton Gore, 2016-CP-26-7592; Gafiskie Richardson, 2018-CP-26-4099; and Abdul Furquan, 2017-CP-26-7737. During the week of April 1 2019 counsel represented the following petitioners in post-conviction relief hearings in Beaufort County: Travis Polite, 2017-CP-07-0963; Andre Green, 2015-CP-25-304; Albert Siders, 2017-CP-15-958 and Tanya McAlhaney, 2016-CP-25-358.

3. As indicated by his consent below, counsel for the state does not oppose this request.

4. This request is made in good faith, and not for the purpose of delay.

WHEREFORE, the undersigned counsel would respectfully request a final thirty day extension, until May 10, 2019. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully Submitted



James K Falk  
Falk Law Firm  
PO Box 1058  
Charleston, SC 29402

April 7, 2019

Charleston, SC



James Falk &lt;jfalklaw@gmail.com&gt;

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**Niles appeal**

2 messages

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**James Falk** <jfalklaw@gmail.com>  
To: Johnny James <jjames@scag.gov>

Fri, Apr 5, 2019 at 5:31 PM

Johnny can you consent to one more continuance?

James Falk  
Falk Law Office  
38 Broad Street, 3rd Floor  
PO Box 1058  
Charleston, SC 29402  
(843) 606 6007  
(843) 972 9005 Fax  
WWW.FALKLAWFIRM.COM

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**Johnny James** <JJames@scag.gov>  
To: James Falk <jfalklaw@gmail.com>

Sun, Apr 7, 2019 at 11:38 AM

Of course; take what time you need.

—Johnny

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**From:** James Falk <jfalklaw@gmail.com>  
**Sent:** Friday, April 5, 2019 5:31:48 PM  
**To:** Johnny James  
**Subject:** Niles appeal

[Quoted text hidden]

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Case No.: Case No. 2018-000396

Richard B. Niles, Jr. 333708.....PETITIONER

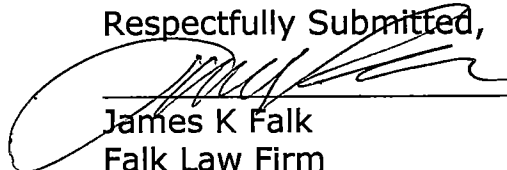
V.

State of South Carolina.....RESPONDENT

CERTIFICATE OF SERVICE

I, James Falk certify that I have today served the within PETITION FOR AN EXTENSION TO FILE PETITION FOR WRIT OF CERTIORARI AND ACCOMPANYING APPENDIX Respondent by depositing a copy of it in the U.S. Mail, postage prepaid, addressed to its attorney of record, Johnny James Jr. Esq. Office of the S.C. Attorney General, PO Box 11549, Columbia, SC 29211-1549. I further certify that all the parties required by Rule to be served have been served this April 8, 2019.

Respectfully Submitted,



James K Falk  
Falk Law Firm  
PO Box 1058  
Charleston, SC 29402

# FALK LAW FIRM, LLC.

James K. Falk

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Admitted to practice: KY(1984) S.C. (2010) jfalklaw@gmail.com

April 7, 2019

Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

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S.C. SUPREME COURT

Re: Richard B Niles v State of South Carolina, 2018-000396

Dear Clerk Shearouse:

Please find the enclosed original and seven (7) copies of a PETITION FOR AN EXTENSION TO FILE PETITION AND WRIT OF CERTIORARI AND ACCOMPANYING APPENDIX, and CERTIFICATE OF SERVICE in the above Horry County PCR action. Please return a clocked copy of the Petition and Proof of Service in the enclosed SASE.

Should you have any additional questions please do not hesitate to contact my office.

With best regards, I am,



James K Falk

Thank you for your assistance.

Cc:

Johnny James, Jr. Esq

Richard B Niles 333708



**FALK LAW FIRM**  
PO Box 1058  
Charleston, SC 29402

Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211