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JUN 17 2019

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. SUPREME COURT

Certiorari to Berkeley County
Honorable Roper H. Young Circuit Court Judge

Julie L. Gookins

PETITIONER

v.

State of South Carolina

RESPONDENT

APPELLATE CASE NO. 2018-001409

DEFENDANT'S MOTION FOR EXTENTION
OF TIME TO FILE PRO SE RESPONSE TO
PETITION OF JOHNSON BRIEF
Johnson v. State 294 S.C. 310, 364 S.E.2d 201

Comes Now the Defendant/Movant, Julie L. Gordon-Gookins in Pro Se, in necessity, and here by moves this Honorable Court to Issue an Order granting an additional (60) sixty day extention of time to file her motion/Answer to petition filed by counsel in a Pro Se manner. The Movant/Defendant avers that she requests this extention because she has as of yet to receive the requested records from her defense attorney or the Berkeley County Sheriff's Office as requested by both on May 7, 2019.

The Petitioner/Defendant hereby avers that the portions of her Case/Work File, that she has been denied by Defense Counsel of record, includes but are not limited to:

- 1) Transcripts she reviewed for appeal advice
- 2) All discovery available by Standing Court Order
- 3) All Court filings, motions, responses and orders
- 4) All notes, Letters, Correspondence, plea agreements, emails, and/or any other tangible thing associated with this case
- 5) Photo's and DVD Evidence
- 6) Investigation evidence by Defense Counsel

The Petitioner/Defendant hereby avers that she is in the process of Answering motion PPO BE in Certiorari Petition and is in need of listed items to assist in her action. For such motion to be timely, the Petitioner must File by June 19, 2019. The records that the Petitioner seeks are necessary for preparation of such pleadings and are the Defendants property. In support, the Petitioner shows the Court the following:

- 1) The Petitioner has made several attempt to obtain this information ~~in~~ⁱⁿ writing to Defense Counsel and to the Prosecution in this case in hopes that she/he would act professionally and responsibly by turning over the Case/Work File of the Petitioner to her.

- 2) To date, Defense Counsel of record, has failed to surrender Petitioner's ENTIRE Case/Work file to the Petitioner, and the Petitioner asserts that based on the FACT that Counsel is CLEARLY aware that the Petitioner/Defendant seeks these records to pursue Post-Conviction Relief, Counsel is attempting to frustrate her (Petitioner's) attempts to prepare a motion attacking Counsel's Ineffectiveness during all crucial points of proceedings.
- 3) The Petitioner seeks the ACTIVE PROTECTION of this Court through a Court ORDER directing Defense Counsel of record to surrender the Case/Work File to the Petitioner within (14) fourteen days.
- (4) The Court may ORDER Defense Counsel of record to surrender the Case/Work file. First the Petitioner/Defendant is entitled to the Case/Work File because it was created during the time period that Counsel represented the Defendant/Petitioner. Second both law and the American Bar Association recognize that Counsel has a duty not to obstruct the Petitioner's attempts to challenge her conviction and/or sentence. See ABA Standards for Criminal Justice, Defense Functions Standards and Commentary

these records to pursue Post-Conviction Relief, Counsel is attempting to frustrate her (Petitioner's) attempts to prepare a motion attacking Counsel's Ineffectiveness during all crucial points of the proceedings.

g) The Petitioner seeks the ACTIVE PROTECTION of this court through a Court Order directing Defense Counsel of record to surrender the Case/Work File and other requested materials to the Petitioner within (14) fourteen days of the order.

6) The Court may ORDER Defense Counsel of record to surrender the case/work file and other requested materials. First the Petitioner is entitled to the Case/Work File and materials because it was created during the time period that Counsel represented the Petitioner/Defendant. Second both law and the American Bar Association recognize that Counsel has a duty not to obstruct the Petitioner's attempts to challenge her conviction and/or sentence. ABA Standards for Criminal Justice, state that because of their intimate knowledge of trial proceedings and their possession of unique information regarding possible post-conviction claims, attorneys have an obligation to cooperate with claimants attempt to challenge their convictions. United States v. Dorman, 58 M.J. 295 (C.A.A.F. 2003);

Hiatt v. Clark, KY. No. 2005-SC-455-MR (6/15/06)
See also Maxwell v. Florida, 479 U.S. 972, 93 L.Ed.2d 418-420, 107 S.Ct. 474 (1986) ("The right to effective assistance fully encompasses the client's right to obtain from trial counsel the work files generated during and pertinent to the client's defense. It further entitles the client to utilize materials contained in these files in any proceeding at which the adequacy of trial counsel's representation may be challenged.")

Spivey v. Zant, 683 F.2d 881 (5th Cir. 1982) (Habeas Corpus petitioner is entitled to former trial attorney's file and work product doctrine does not apply to situations in which the client seeks access to document or other tangible things created during the course of attorneys representation.)

7) Finally, it's clear to Defense Counsel that the Petitioner is diligently seeking to obtain her case/work file and other tangible things in this case. Counsel recognizes that the petitioner has a right to requested materials and seems to be attempting to stall the petitioner until her statutory limit has expired.

Wherefore now, above premises considered the Complete Case/Work File and other materials should be made available and the Petitioner hereby moves this Honorable Court to Issue

an ORDER compelling Defense Counsel of record David Schwacke to surrender the Complete Case/ Work File to the Petitioner as it pertains to the Defendant's/ Petitioner's Criminal Case and Appeal Post-Conviction Relief and to grant an additional Sixty (60) day Extension of time to complete Pro Se Response to Petition of Johnson Brief.

This motion is made in Good Faith, in the interest of justice, and not ment to delay these proceedings. The State nor any other adverse party will be prejudiced by an additional Sixty (60) day delay. The petitioner further asks with regards to the Case/Work File issue that counsel be Compelled to surrender requested materials to Petitioner in large envelopes, Clearly marked: "LEGAL MAIL, OPEN ONLY IN THE PRESENCE OF THE INMATE" and mail it to:

Julie L. Gookins # 370329

CGGC I* Blue Ridge C-40A"

4450 Broad River Rd.

Columbia, SC 29210

Done This 12th Day of June, 2019.

Respectfully Submitted

Julie L. Gookins

Julie L. Gookins

370329

Certificate Of Service

I, the undersigned, do hereby certify that I have served a copy of this motion upon the Clerk of this Court, via U.S. Mail, properly addressed, First-Class postage prepaid, placing it into the internal mailing system as made available to inmates for legal mail, at C.G.G.C.I. The ~~movant~~^{movant}/Defendant further requests that a copy of this [her] pleading be forwarded to all interested parties via the CM/ECF system, as she is detained, indigent and has no other means.

Done This 12th Day of June, 2019.

Respectfully Submitted,
Julie L. Gookins

Julie L. Gookins

#370329

CGGCI "Blue Ridge C#40-A"

4450 Broad River Rd.

Columbia, SC 29210

Camille Graham Griffin

Correctional Institution

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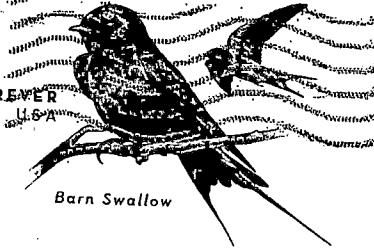
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29211-133030

Legal Mail