

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Certiorari to Hampton County

R. Lawton McIntosh, Circuit Court Judge

---

JAMES A. GARDNER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2019-000192

---

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

---

The undersigned counsel respectfully requests a thirty day extension 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:

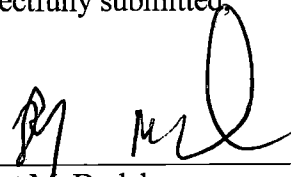
1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Al Martinez Green v. The State with this Court today, August 28, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Gregg Pickrell with the Court of Appeals on August 23, 2019. Counsel filed the return to petition for rehearing in the case

of The State v. James Scott Cross with this Court on August 15, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Darrell Eugene Blackwell with the Court of Appeals on August 12, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Sylvester Keejuan King v. The State with this Court on August 9, 2019. Counsel filed the petition for rehearing in the case of The State v. John M. Ghent, Jr., with the Court of Appeals on August 8, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Shana Robinson v. The State with this Court on July 31, 2019. Counsel filed the petition for rehearing in the case of The State v. Ahshaad Mykiel Owens with the Court of Appeals on July 25, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Abin Lee Lowman with the Court of Appeals on July 24, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Andre Nicholas Crawford with the Court of Appeals on July 15, 2019. Counsel filed the petition for rehearing in the case of The State v. Jalann Williams with this Court on July 1, 2019. Counsel prepared a PowerPoint on Record Preservation and Making a Record and was on the faculty of the Public Defense 103 training in Greenville, South Carolina on July 1-3, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Karacus K. Freeman v. The State with this Court on June 28, 2019. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training four less experienced appellate defenders and reviewing all their filings in advance.**

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. 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,

A handwritten signature in black ink, appearing to read 'R. M. Dudek', written over a horizontal line.

Robert M. Dudek  
Chief Appellate Defender

This 28<sup>th</sup> day of August, 2019, 2019

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Certiorari to Hampton County  
R. Lawton McIntosh, Circuit Court Judge

---

JAMES A. GARDNER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

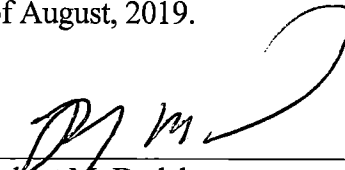
APPELLATE CASE NO. X

---

CERTIFICATE OF SERVICE

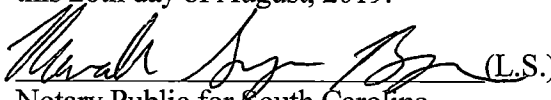
---

The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Benjamin Limbaugh, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 28th day of August, 2019.

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me  
this 28th day of August, 2019.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 26, 2028.