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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Court of Appeals Unpublished Opinion No. 2018-UP-432
Court of Appeals Appellate Case No. 2016-000285

Thomas J. Torrence, #094651 Respondent,

v.

South Carolina Department of Corrections Petitioner.

**MOTION FOR A 30-DAY EXTENSION OF THE DEADLINE BY WHICH
THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
MAY FILE ITS PETITION FOR WRIT OF CERTIORARI**

On November 28, 2018, the Court issued its unpublished opinion in the above-captioned matter. *See Thomas J. Torrence, #094651, Respondent, v. S.C. Dep't of Corr., Appellant*, Unpublished Opinion No. 2018-UP-432 (Nov. 28, 2018), -- S.E.2d --, 2018 WL 6199185 (S.C. Ct. App. 2018).

By an order dated August 8, 2019, the Court of Appeals denied the petition for rehearing filed by the Petitioner, the South Carolina Department of Corrections ["SCDC"]. For unknown reasons, the August 8, 2019 order issued by the Court of Appeals did not arrive via United States Mail at the offices of SCDC's undersigned counsel via United States Mail until August 19, 2019.

Consequently, SCDC's petition for writ of certiorari is, by operation of South Carolina Appellate Court Rule ["SCACR"] 242(c), due no later than Monday, September 9, 2019.

However, SCDC's undersigned counsel respectfully moves, under the circumstances described below, this Court for a 30-day extension of the September 9, 2019 deadline associated with SCDC's petition for writ of certiorari. Specifically, SCDC's undersigned counsel respectfully moves this Court to extend the deadline from Monday, September 9, 2019 to Wednesday, October 9, 2019.

Beginning Wednesday, July 24, 2019, SCDC's undersigned counsel and his spouse moved their place of residence from Lexington, South Carolina to Columbia, South Carolina, and they closed the purchase of their new home on Tuesday, July 30, 2019.

In the early morning hours of Friday, August 2, 2019, the spouse of SCDC's undersigned counsel tripped and fell outside their new home, and, in doing so, she severely fractured her left ankle. The spouse of SCDC's undersigned counsel then underwent emergency surgery Friday afternoon, August 2, 2019 during which two (2) plates and nine (9) screws were inserted into her tibia and fibula to repair the damage. The spouse of SCDC's undersigned counsel has not been able to put any weight on her left foot since her August 2, 2019 injury and surgery.

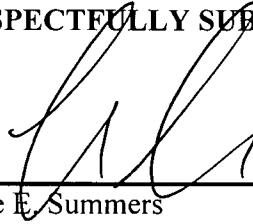
The spouse of SCDC's undersigned counsel visited her surgeon on Thursday, September 5, 2019, and her surgeon advised that she may begin walking, with restrictions and with the aid of crutches and an orthopedic boot, on Friday, September 13, 2019. The spouse of SCDC's undersigned counsel will then begin physical therapy on Wednesday, September 18, 2019, and she anticipates attending physical therapy three (3) to four (4) times a week.

Given injury sustained by his spouse on August 2, 2019, SCDC's undersigned counsel has frequently been out of the office to assist his spouse as she recovers. SCDC's undersigned counsel has also been engaged in satisfying obligations in other cases pending before the Court of Appeals, circuit court, and federal court since August 2, 2019.

Accordingly, SCDC's undersigned counsel respectfully asserts that he needs additional time to prepare, file, and serve SCDC's petition for writ of certiorari in the instant matter. SCDC's undersigned counsel further respectfully asserts that the 30-day extension he seeks in the instant motion will not prejudice or otherwise detrimentally impact the rights of the *pro se* Respondent.

Therefore, SCDC's undersigned counsel respectfully urges this Court to grant his instant motion and, by doing so, extend the deadline by which SCDC may file and serve its petition for writ of certiorari until Wednesday, October 9, 2019.

RESPECTFULLY SUBMITTED:



September 6, 2019

Lake E. Summers
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Counsel for the South Carolina
Department of Corrections

Pro se Respondent:

Thomas J. Torrence, #094651
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

The South Carolina Court of Appeals

Thomas J. Torrence #094651, Respondent,

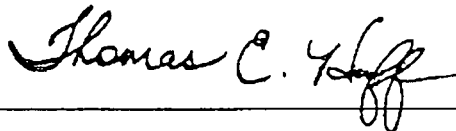
v.

South Carolina Department of Corrections, Appellant.

Appellate Case No. 2016-000285

ORDER

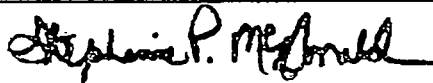
After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

LAW OFFICES

AUG 19 2019

cc:

Lake Eric Summers, Esquire
Thomas J. Torrence #094651

MALONE, THOMPSON
SUMMERS & OTT, LLC

FILED

August 8, 2019

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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
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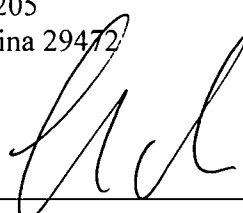
South Carolina Department of Corrections Petitioner.

PROOF OF SERVICE

I certify that I have served the **MOTION FOR A 30-DAY EXTENSION OF THE DEADLINE BY WHICH THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS MAY FILE ITS PETITION FOR WRIT OF CERTIORARI** on the above named *pro se* Respondent by mailing a copy to him, first class postage pre-paid, at the following address:

Thomas J. Torrence, #094651
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472

September 6, 2019



Lake E. Summers