

RECEIVED  
DEC 11  
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

ORIGINAL

\_\_\_\_\_  
Certiorari to Florence County  
Honorable George M. McFaddin, Circuit Court Judge  
\_\_\_\_\_

DAVID G. JOHNSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2019-000813  
\_\_\_\_\_

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE PETITION FOR WRIT OF  
CERTIORARI AND APPENDIX OUT OF TIME  
\_\_\_\_\_

Pursuant to Rule 240, SCACR, Counsel for David G. Johnson respectfully requests the Court to accept the request for a third extension of time to file the petition for writ of certiorari in this case out of time. In support of this request, counsel shows the following:

- (1) The petition for writ of certiorari was due to be filed with this Court on December 6, 2019. The time in which to file the petition for writ of certiorari has been previously extended twice.
- (2) Due to a clerical error, the third extension was not timely filed.
- (3) Undersigned counsel advised Ms. Lindsey McCallister, of the Attorney General's Office, of his intention to file this motion to ask this Court to accept the request for an extension of time in which to file the petition for writ of certiorari out of time. Ms. McCallister indicated that she consents to this motion.

(4) Counsel for David G. Johnson respectfully requests a **final thirty (30) day extension, until January 6, 2020**, in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

(5) Counsel for David G. Johnson respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

(6) Counsel filed the petition for rehearing in the case of The State v. Jonathan Donell Rhodes with the Court of Appeals on November 21, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Sherwin Alfonzo Green with the Court of Appeals on November 15, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jarvis Hughes v. The State with this Court on November 4, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Michael D. Maddox v. The State with this Court on November 4, 2019. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v. Delvinche Williams with the Court of Appeals on October 24, 2019. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v. Leslie Martin with the Court of Appeals on October 18, 2019. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v. Billy Christopher Whitmire with the Court of Appeals on October 16, 2019. Counsel filed the brief of petitioner and accompanying appendix in the case of Larry J. Tyler v. The State with the Court of Appeals on October 7, 2019. Counsel filed the

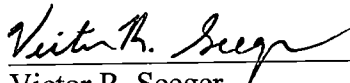
petition for writ of certiorari and accompanying appendix in the case of Marvin Watson v. The State with this Court on October 3, 2019.

(7) Counsel makes this request in good faith and not for purpose of delay.

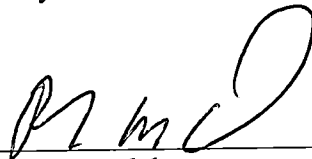
(8) Counsel for the Attorney General's office consents to this request as shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until January 6, 2020**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,

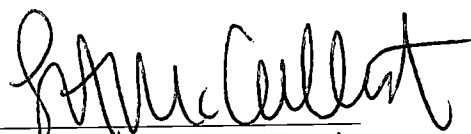
  
\_\_\_\_\_  
Victor R. Seeger  
Appellate Defender

Attorney for Petitioner.

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

This 11<sup>th</sup> day of December, 2019.

I consent:

  
\_\_\_\_\_  
Lindsey McCallister, Esquire

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Certiorari to Florence County  
Honorable George M. McFaddin, Circuit Court Judge

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DAVID G. JOHNSON,

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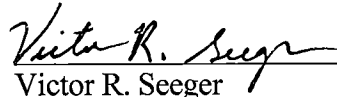
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

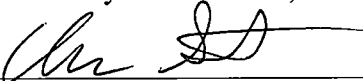
The undersigned attorney hereby certifies that a true copy of the motion to file request for extension of time to file the petition for writ of certiorari out of time in the above referenced case has been served upon Lindsey McCallister, Esquire, this 11<sup>th</sup> day of December, 2019.



Victor R. Seeger  
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me  
this 11<sup>th</sup> day of December, 2019.

 (L.S.)

Notary Public for South Carolina  
My Commission Expires: September 30, 2029.

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