

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to the Court of Appeals
Brian M. Gibbons, Circuit Court Judge

Opinion No. 2019-UP-318 (S.C. Ct. App. filed Sept. 25, 2019)

1981-GS-29-829

THE STATE,

RESPONDENT,

V.

RONALD YATES HYATT,

PETITIONER

Appellate Case No. 2019-001979

**MOTION TO FILE THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX OUT OF TIME**

Counsel for Ronald Yates Hyatt petitions this Court to allow late filing of the petition for writ of certiorari and accompanying appendix in this case. In support of this petition, she shows the following:

1. The Court of Appeals affirmed the trial judge's order denial of Petitioner's request for re-sentencing on September 25, 2019. State v. Hyatt, 2019-UP-318 (S.C. Ct. App. filed Sept. 25, 2019). Counsel filed the petition for rehearing on July 10, 2019, and the order denying the petition for rehearing was filed on November 1, 2019. The petition for writ of certiorari was due to be filed on December 2, 2019. On that date, counsel submitted

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a request for a ten-day extension to this Court. This Court granted the request, extending the deadline until December 12, 2019.

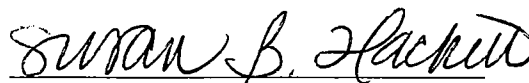
2. Unable to prepare the petition by the deadline, counsel submitted a second request for a ten-day extension. This request was filed erroneously at the Court of Appeals. The original, clocked request is attached to this motion.

3. Unaware that the extension request was filed in the wrong court, counsel filed the petition for writ of certiorari and appendix on December 23, 2019, the date the pleadings would have been due had this Court received and granted counsel's second request for a ten-day extension.

4. Counsel learned today that she submitted the second to the incorrect court. Counsel sincerely apologizes for the error and humbly requests permission to file the petition for writ of certiorari and appendix out of time.


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

WHEREFORE, the undersigned counsel respectfully requests that this Court grant counsel's to file the petition for writ of certiorari and accompanying appendix in this case out of time based upon the above exigent circumstances.


Susan B. Hackett
Appellate Defender
ATTORNEY FOR PETITIONER

December 27, 2019

I consent:


for Sherrie Butterbaugh, Esquire

ATTACHMENT

A

ORIGINAL



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

December 12, 2019

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

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SC Court of Appeals

Re: State of South Carolina v. Ronald Yates Hyatt
Appellate Case No. 2016-001872
Brian M. Gibbons, Circuit Court Judge
Opinion No. 2019-UP-318 (S.C. Ct. App. filed September 25, 2019)

Dear Mr. Shearouse:

The petition for writ of certiorari and accompanying appendix in the above-referenced case is due to be served and filed today. Because of my present workload, I respectfully request a ten-day extension of this deadline. Only one prior extension has been requested in this case.

By copy of this letter, I am informing Sherrie Butterbaugh, Esquire, of the Office of the Attorney General, of this extension request.

Thanking you for your cooperation and assistance in this matter.

Sincerely,

Susan B. Hackett
Appellate Defender

SBH/kk

cc: Sherrie Butterbaugh
Court of Appeals