

**ORIGINAL**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Union County  
Thomas A. Russo, Circuit Court Judge

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**RECEIVED**

**DEC 27 2019**

STEPHEN DOUGLAS BERRY,

**S.C. SUPREME COURT**  
PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2019-001092

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

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The undersigned counsel respectfully requests an extension of thirty days 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 second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. The undersigned counsel 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.

3. Counsel will file the petition for writ of certiorari and accompanying appendix in the case of Keith Sheldon Levan v. State with the Supreme Court today, December 27, 2019. Counsel filed the petitioner for writ of certiorari and accompanying appendix in the case of Andre Tayson Boone v. State with the Supreme Court on December 9, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Joshua CW. Reher with the Court of Appeals on December 2, 2019. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of James Trapp v. State with the Supreme Court on November 27, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Victor Smith v. State with the Supreme Court on November 27, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of Ben Reed, IV. v. State with the Court of Appeals on November 8, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Johnny Neal Sexton, III v. State with the Supreme Court on November 8, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of State v. William Dean Pennington in the Court of Appeals on November 4, 2019. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Leslie Davis in the Court of Appeals on October 23, 2019. Counsel filed the initial brief of appellant ad designation of matter in the case of State v. Therron Renard Richardson in the Court of Appeals on October 16, 2019. Counsel had an oral argument in the case of State v. Thomas Stephen Acker in the Court of Appeals on October 10, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Harold Lee Jones v. State in the Supreme Court on September 20, 2019.

4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office has been informed of this request.

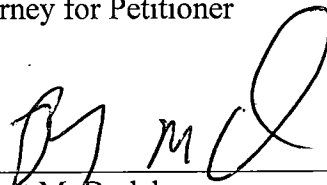
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling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

Respectfully submitted,



Adam Sinclair Ruffin  
Appellate Defender

Attorney for Petitioner



Robert M. Dudek  
Chief Appellate Defender

December 27, 2019

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V.

STATE OF SOUTH CAROLINA,

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CERTIFICATE OF SERVICE  
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I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Lindsey McCallister, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 27th day of December, 2019.



Adam Sinclair Ruffin  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 27th day  
of December, 2019.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.