

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County
Honorable J. Cordell Maddox, Circuit Court Judge

RECEIVED

Jun 26 2020

S.C. SUPREME COURT

GILBERT EDWARD DAY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2019-001247

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

Counsel for Gilbert Edward Day respectfully requests a **final thirty (30) day extension, until July 27, 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:

1. The petition for writ of certiorari and appendix are due to be filed with the Court today. The Court has granted counsel two previous extensions.

2. Counsel for Gilbert Edward Day 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 filed the supplemental appendix in the case of Jamie Ray Lewis v. The State of South Carolina with this Court on June 16, 2020. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v. Willie Jerome Wilson with the Court of Appeals on May 27, 2020. Counsel filed the supplemental motion to seal in the case of Antonio Sadler v State of South Carolina with the Court of Appeals on April 30, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Adrian Jenkins v. The State with this Court on April 6, 2020.

4. Counsel makes this request in good faith and not for purpose of delay.

5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through June 30, 2020. That emailed general consent was dated May 20, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until July 27, 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,

s/ Victor R. Seeger

Victor R. Seeger
Appellate Defender

Attorney for Petitioner.

A handwritten signature in blue ink, appearing to read 'R M Dudek', is positioned above a horizontal line.

Robert M. Dudek
Chief Appellate Defender

This 26th day of June, 2020.