

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Greenville County

Carmen T. Mullen, Circuit Court Judge

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RECEIVED

Sep 28 2020

S.C. SUPREME COURT

GARY R. THOMPSON,

PETITIONER,

V.

THE STATE,

RESPONDENT.

APPELLATE CASE NO. 2020-000442

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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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Counsel for Gary R. Thompson respectfully requests a **final extension of three days from today, September 28, 2020 until Thursday, October 1, 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 fourth 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, September 28, 2020. The Court has granted counsel three previous extensions.

2. Counsel for Gary R. Thompson 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 her caseload, counsel hopes that no further extension requests will be required. **Counsel realizes that a fourth extension is disfavored by this Court. However, this is a novel issue of law, involving this Court's recent decision in State v. James Scott Cross, 427 S.C. 465, 832 S.E.2d 281 (Filed July 24, 2019, rehearing denied September 19, 2019).**

3. **Counsel had to attend the annual Public Defenders Conference virtually from Monday, September 21, 2020 until Wednesday, September 23, 2020.** Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Jonathan Johnson v. The State with this Court on September 23, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Rickey Dean Tate with the Court of Appeals on September 16, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Rashawn Tremayne Carson v. The State with this Court on September 8, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Travis A. Lee v. The State with this Court on September 8, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jeffery James Williams with the Court of Appeals on September 2, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Joe Lewis Holmes v. The State with this Court on August 28, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Elizabeth Leanne Howze with the Court of Appeals on August 26, 2020. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Sterling Maybin with the Court of Appeals on August 25, 2020.

Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Lorenzo A. Jackson v. The State with this Court on August 21, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tony Fulmer v. The State with this Court on August 5, 2020. Counsel filed a Return to Petition for Rehearing in the case of The State v. Jermaine Marquel Bell with the Court of Appeals on August 3, 2020. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Aaron Alonzo Brown v. The State with this Court on July 27, 2020. Counsel filed the Anders brief of appellant and designation of matter in the case of The State v. Quintin Mills with the Court of Appeals on July 27, 2020.

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

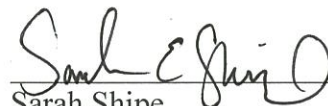
5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the extended thirty-day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through September 30, 2020.

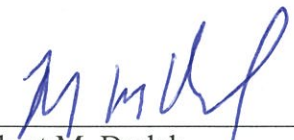
That extended, emailed general consent was dated August 26, 2020.

WHEREFORE, the undersigned counsel would respectfully request a **final extension of three days from today, September 28, 2020 until Thursday, October 1, 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 for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

This 28th day of September, 2020.

Respectfully submitted,

  
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Sarah Shipe  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender