

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Anderson County
R. Scott Sprouse, Circuit Court Judge

RECEIVED

Oct 21 2020

S.C. SUPREME COURT

ROBERT FROST,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2020-000604

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI AND
ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a **final thirty-day extension, from Wednesday, October 21, 2020 until November 20, 2020**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed Wednesday, October 21, 2020.
2. Counsel is lead counsel and is presently working on *the death penalty case of State v. Timothy Jones Jr*, where the transcripts are 7,422 pages long. Eight meritorious issues are being briefed, and this brief and designation of matter is expected to be filed with this Court by the end of

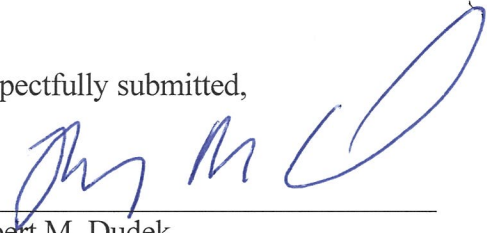
this week. In addition, counsel is currently out of office due to a non-COVID-19 related illness. Counsel filed the petition for rehearing in case of The State v. Stewart Jerome Middleton with the Court of Appeals on October 15, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Heirberone Heava Foster with the Court of Appeals on August 31, 2020. Counsel filed the petition for rehearing in case of The State v. Deshamndon Markelle Franks with the Court of Appeals on August 27, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. William Derek Bennon with the Court of Appeals on August 21, 2020. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of William S. Pegues v. The State with this Court on August 21, 2020. **Counsel has extensive administrative duties as the Chief Appellate Defender, including management of the work from home personnel during this coronavirus pandemic, and the Appellate Practice Project with this Court. Counsel regrets the necessity of this extension request, but it is absolutely necessary under the circumstances.**

3. 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 October 31, 2020. That extended, emailed general consent was dated September 28, 2020.

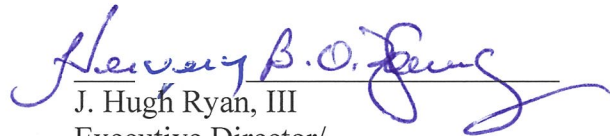
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, from Wednesday, October 21, 2020 until November 20, 2020**, in which to file the petition for writ of certiorari and accompanying appendix. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 21st day of October, 2020