

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

---

APPEAL FROM PICKENS COUNTY  
General Sessions Court  
Letitia H. Verdin, Circuit Court Judge

---

**RECEIVED**

**Jun 25 2021**

**S.C. SUPREME COURT**

Opinion No. 5760 (S.C. Ct. App. filed August 19, 2020)  
Appellate Case No. 2020-001399

---

The State,

Respondent,

v.

Jaron Lamont Gibbs,

Petitioner.

---

MOTION FOR EXTENSION BASED ON EXTRAORDINARY  
CIRCUMSTANCES, AN ILLNESS, BEYOND THE CONTROL OF MOVANT

---

Counsel for Petitioner, Jaron Lamont Gibbs, respectfully moves for an extension of the deadline for serving and filing the brief of petitioner and related documents, to August 30, 2021, and in support of this motion states as follows:

On June 18, 2021, the South Carolina Supreme Court granted a writ of certiorari in this case. Under the provisions of the South Carolina Appellate Court Rules, the brief of petitioner and additional copies of the appendix are due to be served and filed on Monday, July 19, 2021.

Petitioner's lead counsel, Jack B. Swerling, had Coronary Artery Bypass Graft surgery on May 14, 2021. His treating physician has stated, in writing, that he is unable to work from Friday, May 14, 2021, through Friday, August 6, 2021. *See Exhibit 1, attached.*

The Supreme Court's order dated July 16, 2014 ("the 2014 order") governs extensions in cases in which a party has sought review in the Supreme Court by petition for writ of certiorari. Ordinarily, no more than 20 days of extensions will be granted during the proceedings before the Supreme Court. *See Order, paragraph (1).* Previously in this case, a 10-day extension was granted with respect to the deadline for filing the reply to the return to the petition for writ of certiorari.

The 2014 order further provides that any extension beyond the cumulative 20-day limit "will be granted only if extraordinary circumstances such as illness or other circumstances beyond the control of the movant warrant the granting of the extension." *See Order, paragraph (2).* This paragraph also provides that, generally, such extensions will be granted for only 10 days. *See id.*

Lead counsel's medical situation clearly falls within the circumstances contemplated by paragraph (2) of the 2014 order. Due to illness beyond his control, he is unable to work through Friday, August 6, 2021. *See Exhibit 1.*

If the Court were to grant an extension of 10 days, that period would expire before counsel may return to work. If the Court were to grant an extension of 20 days, the deadline would fall on the first business day that he will be allowed to return to work, if he is able to return to work, Monday, August 9, 2021. Due to

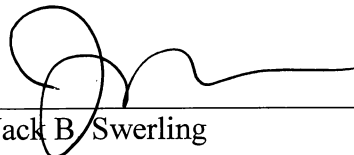
these extraordinary circumstances, the Court should grant an extension in excess of the period generally allowed under the 2014 order.

When counsel is allowed to return to work, if he is able to return to work on that day, he will be required to deal with a workload of cases that have been on hold for the entire 12-week period of his medical disability. For this reason, the Court should grant an extension allowing a reasonable amount of time to work on the brief of petitioner. Counsel respectfully requests an additional 20 days after his expected return to work on August 9, 2021. If the Court grants this request, the due date would be August 30, 2021.

Counsel's paralegal has consulted with the attorney now representing the State in this matter, Assistant Attorney General Julianna E. Battenfield, and she consents to an extension of the deadline for the brief of petitioner and related documents to August 30, 2021.

Wherefore, due to the extraordinary circumstances of counsel's current medical situation, circumstances completely beyond his control, counsel respectfully asks this Court to extend the deadline for the brief of petitioner and additional appendix copies to August 30, 2021.

Respectfully submitted,



---

Jack B. Swerling  
1720 Main Street, Suite 301  
Columbia, South Carolina 29201  
Telephone: 803-765-2626  
South Carolina Bar No. 5457  
Counsel for Petitioner