

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Spartanburg County

Honorable Edward W. Miller, Circuit Court Judge

Appellate Case No. 2021-000790

THE STATE,

PETITIONER,

v.

ERIC DALE MORGAN,

RESPONDENT.

MOTION EXTENSION OF TIME

Petitioner, through undersigned counsel, respectfully requests the Court grant an extension of time in which to serve and file a Return to the State's Petition for Writ of Certiorari, currently due to be filed on August 25, 2021. Specifically, undersigned counsel requests an additional twenty (20) days, in accordance with this Court's Order dated July 16, 2014, in which to file the Return. In support of this motion, the undersigned would show this Court:

- (1) The Court of Appeals denied the State's Petition for Rehearing on June 25, 2021. The State filed a Petition for Writ of Certiorari before this Court on July 27, 2021.
- (2) Undersigned counsel Lindsey S. Vann is appointed in the federal capital habeas appeal of James Nathaniel Bryant, III and is preparing supplemental briefing in advance of en banc consideration of Mr. Bryant's appeal. The supplemental briefing is due to be

filed on July 26, 2021. *Bryant v. Stephan*, No. 20-4 (4th Cir.). Also, since the State filed the Petition, Ms. Vann has spent significant time investigating and researching pretrial issues in the potentially capital federal case on which she is appointed. *United States v. Seward*, No. 4:20-cr-512 (D.S.C.)

- (3) Undersigned counsel Hannah L. Freedman is *pro bono* counsel in the state post-conviction case of Sofia Cano, No. 2020-CP-23-04628, which is presently scheduled for a hearing on the State's Motion to Dismiss on September 13, 2021. Ms. Freedman is also *pro bono* counsel for the Appellant in *Blackwell v. S.C. Dep't of Probation, Parole & Pardon Servs.*, No. 21-ALJ-15-0011, which is pending at the Administrative Law Court and for which enlarged briefing has been authorized because of the complexity of the issues involved. The Appellant's brief was scheduled to be filed on Monday, August 23, 2021, but the Court has deferred filing until it resolves a series of outcome-determinative motions. Since the State filed the Petition in this case, Ms. Freedman has also spent significant time investigating and preparing both a clemency application and a Petition for a Writ of Certiorari in a federal habeas corpus case on which she is appointed and in which the Fourth Circuit recently denied a petition for rehearing *en banc*. *Terry v. Stirling*, No. 20-3 (4th Cir. 2021). Ms. Freedman is *pro bono* counsel for a parole applicant, Wardell Patterson, whose parole hearing took place on Wednesday, August 18, 2021.

For the above reasons, which counsel believes constitute good cause under this Court's Order Dated July 16, 2014, undersigned counsel requests that this Court extend the deadline for filing the Return to the State's Petition for Writ of Certiorari in this case an additional twenty (20) days.

Respectfully submitted,

s/ Lindsey S. Vann

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July 20, 2020.