

RECEIVED

Sep 02 2021

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Judge

Opinion No. 5829
Court of Appeals Appellate Case No. 2016-000285

Thomas J. Torrence, #094651 Respondent,

v.

South Carolina Department of Corrections Petitioner.

**MOTION FOR A 30-DAY EXTENSION OF THE DEADLINE BY WHICH
THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
MAY FILE ITS PETITION FOR WRIT OF CERTIORARI**

On June 30, 2021, the Court of Appeals issued its opinion in the above-captioned matter. *See Thomas J. Torrence, Respondent, v. S.C. Dep’t of Corr., Appellant*, Opinion No. 5829 (June 30, 2021), 861 S.E.2d 36 (S.C. Ct. App. 2021).

By an order dated August 4, 2021, the Court of Appeals denied the petition for rehearing filed by the Petitioner, the South Carolina Department of Corrections [“SCDC”].

Consequentially, SCDC’s petition for writ of certiorari is, by operation of South Carolina Appellate Court Rule [“SCACR”] 242(c), due no later than Friday, September 3, 2021.

However, SCDC’s undersigned counsel respectfully moves, under the circumstances described below, this Court for a 30-day extension of the September 3, 2021 deadline associated with SCDC’s petition for writ of certiorari.

Specifically, SCDC's undersigned counsel respectfully moves this Court to extend the deadline from Friday, September 3, 2021 to Monday, October 4, 2021.

Since the Court of Appeals issued its August 4, 2021 order denying SCDC's petition for rehearing, SCDC's undersigned counsel has also been engaged in satisfying obligations in other cases pending before the Court of Appeals, circuit court, and federal court.

For example, SCDC's undersigned counsel serves as defense counsel in a civil matter pending in Richland County and styled as *Peter G. Oliver v. University of South Carolina*, Civil Action No. 2019-CP-40-1974.

Oliver appeared on the August 2, 2021 Richland County jury trial roster, but the Chief Judge for Administrative Purposes continued the case. Per the notice e-mailed August 12, 2021 by the Richland County Clerk of Court, *Oliver* appeared on the September 7, 2021 Richland County jury trial roster, and SCDC's undersigned counsel again began diligently preparing for trial. However, on August 25, 2021, the Chief Judge for Administrative Purposes issued an order continuing *Oliver* until December 2021.

SCDC's undersigned counsel also serves as defense counsel in another civil matter pending in Richland County and styled as *Joseph Sellaro v. S.C. Dep't of Social Services*, Civil Action No. 2018-CP-40-4835.

Sellaro appeared on the August 16, 2021 Richland County jury trial roster, and it steadily moved up the roster in the weeks leading up to the term. Consequentially, SCDC's undersigned counsel diligently prepared for the prospect of trying *Sellaro*, and on the morning of August 16, 2021, *Sellaro* appeared as case #3 on the roster. The Chief Judge for Administrative Purposes for Richland County, however, continued *Sellaro* beyond the August 16, 2021 term during a status conference conducted after the roster meeting.

Along with the above-chronicled activity in *Oliver* and *Sellaro*, SCDC's undersigned counsel has, since mid-July 2021, filed notices of appearance in 13 cases pending in both circuit court and state court. SCDC's undersigned counsel did so to assist a member of the bar who was compelled to begin an indefinite medical sabbatical due to significant health issues he experienced over the past 13 months or so.

SCDC's undersigned counsel has devoted significant effort getting up to speed in these new cases and resuming or undertaking discovery activity, as well as communicating and coordinating with opposing counsel to prepare and file scheduling orders.

Accordingly, SCDC's undersigned counsel respectfully asserts that he needs additional time to prepare, file, and serve SCDC's petition for writ of certiorari in the instant matter. SCDC's undersigned counsel further respectfully asserts that the 30-day extension he seeks in the instant motion will not prejudice or otherwise detrimentally impact the rights of the *pro se* Respondent.

Therefore, SCDC's undersigned counsel respectfully urges this Court to grant his instant motion and, by doing so, extend the deadline by which SCDC may file and serve its petition for writ of certiorari until Monday, October 4, 2021.

RESPECTFULLY SUBMITTED:

s/Lake E. Summers

Lake E. Summers
S.C. Bar #0064146
Malone, Thompson, Summers & Ott LLC
339 Heyward Street
Columbia, South Carolina 29201
(803) 254-3300 – Office
(803) 254-0309 – Fax
summers@mtsolfirm.com

Counsel for the South Carolina
Department of Corrections

Columbia, South Carolina
September 2, 2021

Pro se Respondent:

Thomas J. Torrence, #094651
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472