

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County
Honorable Bentley Price, Circuit Court Judge

RECEIVED

Oct 11 2021

S.C. SUPREME COURT

JOSEPH TODD ROWLAND,

RESPONDENT,

V.

STATE OF SOUTH CAROLINA,

PETITIONER

Appellate Case No. 2021-000089

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE RETURN TO
PETITION FOR WRIT OF CERTIORARI

Counsel for respondent respectfully requests an extension of thirty (30) days in which to file the return to petition for writ of certiorari in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The return to petition for writ of certiorari is due to be served and filed with the Court today.
2. On August 4, 2021, counsel for Respondent notified counsel for Petitioner that the appendix filed with the petition for writ of certiorari did not include two amended PCR applications and Applicant's Exhibit #1, a preliminary hearing transcript. Opposing counsel indicated that she obtained the amended PCR applications but still needed to obtain Applicant's Exhibit #1. On August 9, 2021, counsel for Petitioner had not yet obtained the missing documents and counsel for

Respondent filed an extension request that was granted by this Court. Counsel for Respondent remained in communication with counsel for Petitioner about the missing documents. On September 8, 2021, counsel for Petitioner filed a motion to file a supplemental appendix to include the missing documents and motion to hold the appeal in abeyance. This Court granted the motion to file a supplemental appendix and ordered that the brief of Respondent was due to be served and filed on October 11, 2021. Counsel for Respondent submits that extraordinary circumstances exist which warrant the granting of a second 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.

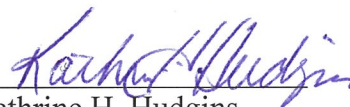
3. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Jane Katherine Hughes with this Court on October 1, 2021. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Jahru Harold Smith with this Court on September 30, 2021. Counsel filed the reply brief of petitioner in the case of The State v. Johnathan Green with this Court on September 23, 2021. Counsel had an oral argument in the case of The State of South Carolina v. Kelvin Jones before this Court on September 22, 2021. Counsel filed the reply to return to petition for writ of certiorari in the case of Roy Gene Sutherland, III v. The State of South Carolina with this Court on September 9, 2021. Counsel filed the brief of petitioner and appendix in the case of The State v. Michael N. Frasier with this Court on September 7, 2021. Counsel filed the petition for rehearing in the case of The State v. Brandon Jewel Lee with the Court of Appeals on September 1, 2021. Counsel filed the reply to return to petition for writ of certiorari in the case of Kevin J. Mercer v. The State of South Carolina with this Court on August 26, 2021.

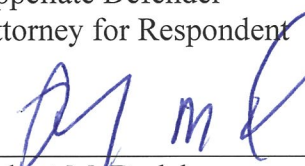
4. Counsel makes this request in good faith and not for purpose of delay.

5. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty day general consent granted by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2021. That emailed general consent was dated September 30, 2021.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the return to petition for writ of certiorari in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the return to petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,


Kathrine H. Hudgins
Appellate Defender
Attorney for Respondent


Robert M. Dudek
Chief Appellate Defender

This 11th day of October, 2021