

Oct 12 2021

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENWOOD COUNTY
Court of General Sessions
Donald Hocker, Circuit Judge

Appellate Case № 2018-000022
Opinion № 5832

The State, Respondent

v.

Adam Rowell, Petitioner. _____

Motion to Extend Time to File Petition for Writ of Certiorari

Adam Rowell, the Petitioner above named hereby Moves this Court for an order extending the time to file a Petition for Writ of Certiorari until 20 days after the Court of Appeals rules upon the Second Petition for Rehearing filed by the Petitioner in this matter. This motion is based upon the following:

1. The South Carolina Court of Appeals ruled upon this matter on July 7, 2021. The Petitioner the State of South Carolina timely filed Petitions for Rehearing. The Court of Appeals ruled upon the State’s Petition in issuing a new opinion on August 25, 2021. The new opinion did not address the concerns of the Petitioner in his Petition for Rehearing. The accompanying order denied both petitions for rehearing.

2. Rule 242(c) requires that a Petition for Writ of Certiorari be filed within 30 days of denial of a petition for rehearing. The rule is unclear as to whether the Petitioner is required to

file a new Petition for Rehearing as to the modified order which did not address the issues raised by the Petitioner in his Petition for Rehearing. Therefore, Petitioner on September 2, 2021, filed a second petition for rehearing with the South Carolina Court of Appeals. In the event the new Petition for Rehearing is not required, the time to file a Petition for Writ of Certiorari would have expired September 25, 2021.

3. A previous motion to extend the time to file a Petition for Writ of Certiorari was filed on September 24, 2021. A twenty day extension was granted. As of the date of filing this Motion, the Court of Appeals has not ruled upon the second Petition for Rehearing filed by Mr. Rowell.

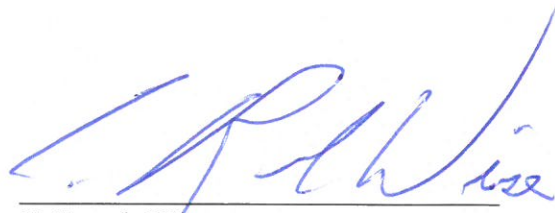
4. To fully comply with the South Carolina Appellate Court Rules, the Petitioner is requesting that the time for filing a Petition for Writ of Certiorari be extended until 20 days after the South Carolina Court of Appeals rules upon the second Petition for Rehearing still pending with the Court of Appeals.

5. This Motion is not being filed for the purpose of any delay, but only to insure that Mr. Rowell is fully complying with the rules as to when to file his Petition for Writ of Certiorari.

WHEREFORE, Adam Rowell, the Petitioner above named, moves that the time for filing his Petition for Writ of Certiorari be extended until 20 days after the South Carolina Court of Appeals rules upon the pending Petition for Rehearing.

[Signature block is on next page.]

October 12, 2021



C. Rauch Wise
305 Main Street
Greenwood, SC 29646
S.C. Bar № 6188
rauchwise@gmail.com
(864) 229-5010

Billy J. Garrett, Jr.
The Garrett Law Firm
109 Oak Ave.
Greenwood, SC 29646
billygarrettjr@yahoo.com
(864) 229-8000

Carson Henderson
The Henderson Law Firm
109-B Oak Ave.
Greenwood, SC 29646
carson@carsonhendersonlawfirm.com
(864) 229-8000

Jane Hawthorne Merrill
Hawthorne Merrill Law, LLC
P. O. Box 3363
Greenwood, SC 29648
jane@hmlawsc.com
(864) 229-1010