

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Jan 20 2022

S.C. SUPREME COURT

Certiorari to Spartanburg County

Honorable Brian M. Gibbons, Circuit Court Judge

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DAVID BOGGS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2021-000760

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MOTION FOR AN EXTENSION TO SERVE AND FILE  
THE PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX

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Counsel for David Boggs respectfully requests a **final thirty (30) day extension, until February 21, 2022**, in which to serve and file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.

2. Counsel for David Boggs respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the initial brief of appellant and designation of matter in the case of State v. George Robert Leach with the Court of Appeals on December 22, 2021. Counsel filed the brief of petitioner in the case of Edward M. Dunn, Jr., v. State with the Court of Appeals on December 20, 2021. Counsel filed the petition for writ of certiorari and appendix in the case of Jermaine Harris v. The State with the Supreme Court on December 10, 2021. Counsel filed the reply brief of petitioner in the case of Antonio Sadler v. The State with the Court of Appeals on November 29, 2021. Counsel filed the petition for rehearing in the case of Dwayne Lee Rudd v State with the Court of Appeals on November 12, 2021.

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

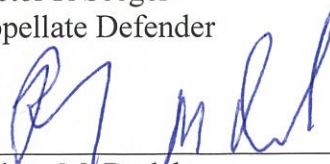
5. On December 29, 2021, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until February 21, 2022**, in which to serve and file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition for writ of certiorari and appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Victor R Seeger  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

This 20<sup>th</sup> day of January, 2022.