

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Feb 24 2022

S.C. SUPREME COURT

Certiorari to Spartanburg County

Honorable Brian M. Gibbons, Circuit Court Judge

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ROBERT T. GENTRY,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2021-000761

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MOTION TO ACCEPT THE PETITION  
FOR WRIT OF CERTIORARI AND  
APPENDIX AS FILED OUT OF TIME

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Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests the relaxation of Rule 243(d), SCACR, and allow leave in which to file the Johnson Petition for Writ of Certiorari and Appendix in this case out of time. In support of this motion counsel submits the following:

1. The Petition for Writ of Certiorari and Appendix were due to be served and filed with the Court today on February 22, 2022.
2. Due to an administrative oversight, our office missed the filing date and the petition has just been completed.
3. Counsel has prepared the Johnson Petition as well as the Appendix and is filing

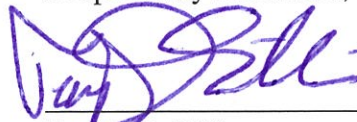
both simultaneously with this motion.

4. On January 29, 2022, opposing counsel, the Office of the Attorney General, graciously consented to this extension request by way of general consent granted in writing consenting to any requests to motions for extensions or out of time filing up to one month for briefs, returns, petitions, appendixes and records on appeal in matters with Appellate Defense or Appellate Defense (OID) funding, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through February 28, 2022.

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

WHEREFORE, the undersigned counsel respectfully requests that the Court grant counsel's request to relax Rule 243(d), SCACR, and allow leave in which to file the Johnson Petition and Appendix in this case out of time based on the above circumstances.

Respectfully submitted,



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Taylor D Gilliam  
Appellate Defender

This 24th day of February, 2022.