

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lee County

William Jeffrey Young, Circuit Court Judge

STEVEN L. MCCLAIN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

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

Counsel for Steven L. McClain respectfully requests an extension of thirty (30) days in which to 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 second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today, July 16, 2012.
2. Counsel for Mr. McClain 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 her caseload, counsel hopes that no further extension requests will be required.

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S.C. Supreme Court

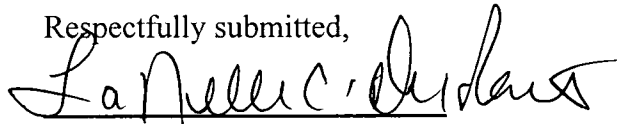
3. On today's date, counsel is filing the initial brief of appellate and designation of matter on State v. David N. Rhoad, the petition for writ of certiorari and accompanying appendix on Michael D. Day v. State, and brief of appellant in State v. Michael Milledge. On July 13, 2012, Counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Andre Maurice Massey and State v. Jake Antonio Wilson in this court. On July 11, 2012, Counsel filed the initial brief of appellant and designation of matter in the case of State v. Reggie Pinkney in the Court of Appeals. On July 9, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Danny Lee Thomas in the Court of Appeals. On July 5, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Johnnie Simmons with the Court of Appeals. On June 28, 2012, counsel filed the petition for writ of certiorari to the Court of Appeals in State v. James Robert Nash with this Court. On June 21, 2012, counsel filed the petition for rehearing in State v. Bennie Golston with the Court of Appeals. On June 19, 2012, counsel had an oral argument in the case of State v. Christopher Whitehead before the Court of Appeals. On June 13, 2012, counsel filed the brief of petitioner and appendix in the case of State v. Theodore Wills and the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Thomas Simmons. On May 31, 2012, counsel filed the initial brief of appellant and designation of matter in the cases of State v. Kenneth Bolden and State v. Anthony Martin. On May 29, 2012, counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Randall Price, the petition for writ of certiorari and appendix in the case of Marty McKinsey v. State, and the initial brief of appellant and designation of matter in the case of State v. Rashawn Murphy.

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

5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to 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 be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink that reads "LaNelle C. Durant". The signature is written in a cursive style with a horizontal line underneath the name.

LaNelle C. Durant
Appellate Defender

Attorney for Petitioner

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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STEVEN L. MCCLAIN,

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RESPONDENT

CERTIFICATE OF SERVICE

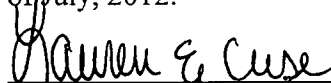
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Megan Harrigan, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 16th day of July, 2012.



LaNelle C. Durant
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 16th day
of July, 2012.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: August 23, 2014