

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Appeal from Horry County

Edward B. Cottingham, Circuit Court Judge

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 ORIGINAL

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JUL 25 2012

S.C. Supreme Court

(2)

IN THE MATTER OF THE CARE AND  
TREATMENT OF THOMAS SIMMONS,

PETITIONER

Appellate Case No. 2011-194610

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MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE BRIEF OF PETITIONER  
AND ADDITIONAL COPIES OF THE APPENDIX

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Counsel for Thomas Simmons respectfully requests an extension of thirty (30) days in which to file the Brief of Petitioner and Additional Copies of the 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 brief of petitioner and additional copies of the appendix are due to be filed with the Court today. The Court has granted counsel one previous extension.

2. Counsel for Mr. Simmons 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.

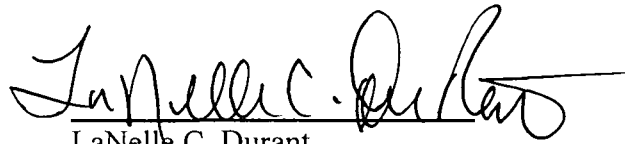
3. Today, July 25, 2012, counsel is filing the petitions for writ of certiorari to the Court of Appeals in State v. Kevin Epting and State v. Joel Robinson with this Court and the initial brief of appellant and designation of matter in State v. David Jakes in the Court of

Appeals. On July 18, 2012, counsel filed the petition for writ of certiorari in State v. Clarence Bamberg in this Court. On July 16, 2012, counsel filed the initial brief of appellate and designation of matter on State v. David N. Rhoad in the Court of Appeals, the petition for writ of certiorari and accompanying appendix on Michael D. Day v. State in this Court, and brief of appellant in State v. Michael Milledge in the Court of Appeals. 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.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the brief of petitioner and additional copies of the appendix in this case based upon the above exigent circumstances.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "LaNelle C. Durant", with a long horizontal flourish extending to the right.

LaNelle C. Durant  
Appellate Defender

Attorney for Petitioner

July 25, 2012

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CERTIFICATE OF SERVICE

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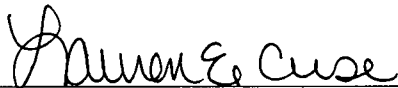
The undersigned attorney hereby certifies that a true copy of the petition for extension of time in which to file the brief of petitioner and additional copies of the appendix in the above referenced case has been served upon William M. Blich, Jr., Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 25th day of July, 2012.



LaNelle Cantey DuRant  
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me  
this 25th day of July, 2012.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: August 23, 2014.