

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Greenville County
Robin B. Stilwell, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

MARLIN HUTLEY,

APPELLANT.

RECEIVED
JUL 27 2012
SC Court of Appeals

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Marlin Hutley respectfully requests an extension of thirty (30) days in which to file the initial brief of appellant and designation of matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter is due to be served and filed with the Court today, July 27, 2012.
2. Counsel for Mr. Hutley 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. On July 26, 2012, counsel will filed initial brief of Appellant in State v. Donald Altman in this Court. On July 23, 2012, counsel will be filing the petition for writ of certiorari and appendix in Alonzo Jenkins v. State in the Supreme Court. On July 20, 2012, counsel filed the initial brief of appellant in State v. Richard Beekman in this Court. On July 18, 2012 counsel filed the initial brief of appellant in State v. Billy Lisenby in this Court. On July 13, 2012, counsel filed the initial brief of appellant and designation of matter in Antwan Grayson v. State in this Court. On July 6, 2012 counsel filed the petitions for writ of certiorari and appendices in Thomas Evans v. State and Chadwick Cole v. State in the Supreme Court. On July 9, 2012 counsel filed the petition for writ of certiorari and appendix in Jameek J. Williams v. State in the Supreme Court. On June 21, 2012 counsel filed the petition for writ of certiorari in the Court of Appeals in State v. Nathaniel Murray. On June 20, 2012 counsel filed the petition for writ of certiorari and appendix in Douglas Rice v. State in the Supreme Court. On June 18, 2012 counsel filed the petition for writ of certiorari and appendix in Ivan A. Lee v. State in the Supreme Court. On June 14, 2012, counsel filed the petition for writ of certiorari and appendix in Preston Costa v. State in the Supreme Court. On June 6, 2012, counsel had an oral argument in State v. Tremaine Rashon Wray in this Court. On June 4, 2012 counsel had an oral argument in State v. Kasseem Stephens in this Court. On June 1, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Ashley Moore in this Court.

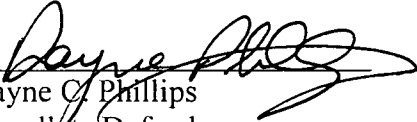
4. Counsel makes this request in good faith and not for purpose of delay.


5. As indicated by signature below, Salley W. Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

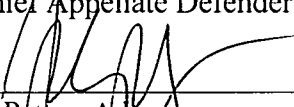
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the initial brief of appellant and designation of matter in this case

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,

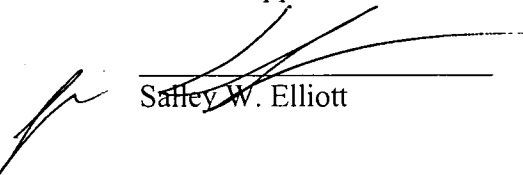

Dayne C. Phillips
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


T. Patton Adams
Executive Director/
J. Hugh Ryan, III
General Counsel

July 27, 2012

I do not oppose:


Safley W. Elliott