

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Michael J. Baxley, Circuit Court Judge

RECEIVED
SEP 27 2012
SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

ROBERT TIMOTHY ARTIS

APPELLANT.

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

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

1. The initial brief of appellant and designation of matter were due to be served and filed with this Court on September 4, 2012. Due to a calendaring error, an extension request was not filed on September 4, 2012. No prior extensions have been requested in this case.
2. On September 24-26, 2012, counsel attended the annual South Carolina Public Defender Conference. On September 21, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Tristan Cheek and State v. Matthew Frazier with this Court. On September 18, 2012 counsel filed the petition for writ of certiorari in Andre Lee Reed v. State in the

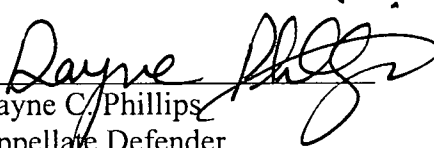
Supreme Court. On September 17, 2012, counsel filed the petition for writ of certiorari in Cecil Simmons v. State as well as his petition for writ of certiorari pursuant to Austin v. State and appendix in the Supreme Court. On September 13, 2012 counsel filed the petition for writ of certiorari and appendix in Kevin Cook v. State in the Supreme Court. On September 12, 2012 counsel filed a Brief in State v. Ricky Tate with this Court. On September 10, 2012, as substitute counsel, counsel had oral arguments in State v. Brandon Clark and State v. Joe Pradubsri with this Court. On September 4, 2012, counsel had a remand hearing for a new trial based on after-discovered evidence in State v. Richard Gagnon at the Horry County Courthouse. On August 31, 2012 Counsel filed the petition for writ of certiorari and appendix in Luther Brian Marcus v. State in the Supreme Court. On August 29, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Phillip Hingleton v. State in the Supreme Court. On August 24, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Michael Humphrey with this Court. On August 20, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Fernando Young v. State in the Supreme Court. On August 17, 2012, counsel filed the initial brief of Appellant in State v. Richard Pilgrim and State v. Billy Miller with this Court. On August 13, 2012 counsel filed the petition for writ of certiorari and appendix in Virgil Culbreath v. State in the Supreme Court. On August 2, 2012 counsel filed the return to petition for writ of certiorari to the Court of Appeals in State v. Adrian Eaglin. On August 1, 2012 counsel filed the petition for writ of certiorari and appendix to the Court of Appeals in State v. Anthony Williamson. On July 30, 2012 counsel filed the petition for writ of certiorari and appendix in Jabbar Straws v. State in the Supreme Court. On July 26, 2012, counsel filed the initial brief of Appellant in State v. Donald Altman with this Court. On July 23, 2012, counsel filed 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 with this Court. On July 18, 2012, counsel filed the initial brief of appellant in State v. Billy Lisenby with this Court. On July 13, 2012, counsel filed the initial brief of appellant and designation of matter in Antwan Grayson v. State with this 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 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.

3. Counsel makes this request in good faith and not for purpose of delay.
4. 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 (30) day extension**, in which to file the initial brief of appellant and designation of matter out of time 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

September 27, 2012

I do not oppose:



Salley W. Elliott