

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Orangeburg County **RECEIVED**
Diane Schafer Goodstein, Circuit Court Judge SEP 28 2012

RUFINO URIOSTEGUI,

S.C. Supreme Court

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 Rufino Uriostegui 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, September 28, 2012.
2. Counsel for Mr. Uriostegui 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 September 28, 2012, counsel filed the petition for writ of certiorari and appendix in

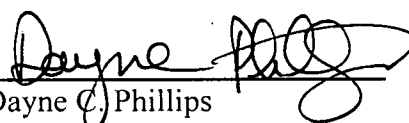
Tashon Sampson v. State with this Court. On September 24-26, 2012, counsel attended the South Carolina Public Defenders Conference. On September 21, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Tristan Cheek and State v. Matthew Frazier in the Court of Appeals. On September 18, 2012 counsel filed the petition for writ of certiorari in Andre Lee Reed v. State with this 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 with this Court. On September 13, 2012 counsel filed the petition for writ of certiorari and appendix in Kevin Cook v. State with this Court. On September 12, 2012 counsel filed a Brief in State v. Ricky Tate in the Court of Appeals. On September 10, 2012, as substitute counsel, counsel had oral arguments in State v. Brandon Clark and State v. Joe Pradubsri in the Court of Appeals. 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 with this Court. On August 29, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Phillip Hingleton v. State with this Court. On August 24, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Michael Humphrey in the Court of Appeals. On August 20, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Fernando Young v. State with this Court. On August 17, 2012, counsel filed the initial brief of Appellant in State v. Richard Pilgrim and State v. Billy Miller in the Court of Appeals. On August 13, 2012 counsel filed the petition for writ of certiorari and appendix in Virgil Culbreath v. State with this 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 with this Court. On July 26, 2012, counsel filed the initial brief of Appellant in State v. Donald Altman in the Court of Appeals. On July 23, 2012, counsel filed the petition for writ of certiorari and appendix in Alonzo Jenkins v. State with this Court. On July 20, 2012 counsel filed the initial brief of appellant in State v. Richard Beekman in the Court of Appeals. On July 18, 2012, counsel filed the initial brief of appellant in State v. Billy Lisenby in the Court of Appeals. On July 13, 2012, counsel filed the initial brief of appellant and designation of matter in Antwan Grayson v. State in the Court of Appeals. On July 9, 2012, counsel filed the petition for writ of certiorari and appendix in Jameek J. Williams v. State with 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 with this Court.

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,


Dayne C. Phillips
Appellate Defender

Attorney for Petitioner

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Orangeburg County
Diane Schafer Goodstein, Circuit Court Judge

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PETITIONER,

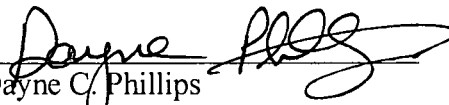
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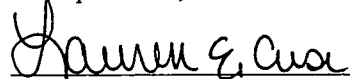
CERTIFICATE OF SERVICE

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, this 28th day of September, 2012.


Dayne C. Phillips
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 28th day
of September, 2012.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: August 23, 2014