

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGIN

Certiorari to Beaufort County
D. Craig Brown, Circuit Court Judge

PRESTON COSTA,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

RECEIVED

MAY 18 2012

S.C. Supreme Court

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

Counsel for Preston Costa respectfully requests an extension of a **final** 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 third 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, May 18, 2012
2. Counsel for Mr. Costa 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 May 16, 2012 counsel filed the petition for writ of certiorari and appendix in Johnny Paden v. State in this court. On May 14, 2012 counsel filed the initial brief of appellant and designation of matter in James Byers v. State in this court. On May 8, 2012 counsel filed the initial reply brief in State v. Joseph Paugh in this Court. On May 4, 2012 counsel filed the petition for writ of certiorari and appendix in Steven J. Freeman v. State in the Supreme Court. On May 2, 2012 counsel filed the petition for writ of certiorari and


appendix in John Randolph v. State in the Supreme Court. On April 30, 2012 counsel filed the petition for writ of certiorari and appendix in Kevin Allison v. State in the Supreme Court. On April 26, 2012 counsel filed the petition for writ of certiorari and appendix in Raymond Murray v. State in the Supreme Court. On April 25, 2012 counsel filed the Reply to Respondent's Return to Appellant's Motion to Hold Appeal in Abeyance in State v. Richard Gagnon in this Court. On April 18, 2012 counsel filed the petitions for writ of certiorari and appendices in Antwan Wade v. State and Stacy Evans v. State in the Supreme Court. On April 6, 2012 counsel filed the petition for writ of certiorari and appendix in Ricky Dale Gilstrap v. State in the Supreme Court.

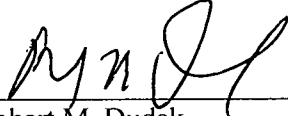
4. Counsel makes this request in good faith and not for purpose of delay.

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

WHEREFORE, the undersigned counsel would respectfully request a **final** 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


Robert M. Dudek
Chief Appellate Defender

May 18, 2012

I do not oppose:


~~Matthew Friedman~~
Ashleigh R. Wilson