

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Lexington County

William P. Keesley, Circuit Court Judge  
\_\_\_\_\_

MICHAEL DAY,

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 Michael Day 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.
2. Counsel for Mr. Day 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.

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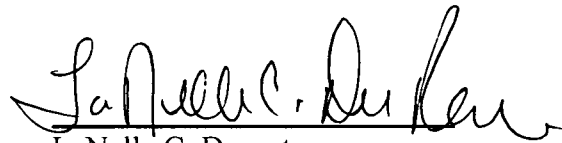
3. Counsel is preparing to file the initial brief of appellant and designation of matter in the case of State v. John Mack today, May 16, 2012. On May 14, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Dewayne Littles v. State. On May 8, 2012, counsel had oral argument in the cases of State v. Christopher Manning and State v. Christopher Broadnax in the Court of Appeals. On May 4, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Demetrius Goodwin. On May 3, 2012, counsel filed the petition for writ of certiorari and appendix in the cases of Mark Brown v. State and Tarren Richburg v. State. On April 30, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Charles Mixon v. State. On April 25, 2012, counsel had an oral argument in the case of State v. Bennie Mitchell in the Court of Appeals. On April 23, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Phillip Byrd v. State. On April 18, 2012, counsel had an oral argument in the case of State v. K.C. Langord and Bryan Phillips in this Court. On April 13, 2012, counsel filed the brief of petitioner in the case of State v. Marques Hudson and the petition for writ of certiorari to the Court of Appeals and appendix in the case of State v. Tarus Henry. On April 12, 2012, counsel filed the Motion to Remand for Reconstruction of the Record in the case of State v. Dameon Myers, the petition for rehearing in the case of State v. Dominic Legette, and the petition for writ of certiorari and appendix in the case of Antwan Jones v. State. On April 10, 2012, counsel had an oral argument in the case of State v. Kevin Hardy in the Court of Appeals. On April 6, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Trey Williams. On April 4, 2012, counsel filed the brief of petitioner in the case of State v. Jeffery Evans, the petition for writ of certiorari and appendix in the case of Janice Clasby v. State and the petition for rehearing in the case of State v. Joel Robinson.

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.

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.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "LaNelle C. Durant". The signature is written in a cursive style with a horizontal line drawn across the middle of the letters.

LaNelle C. Durant  
Appellate Defender

Attorney for Petitioner

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Lexington County

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MICHAEL DAY,

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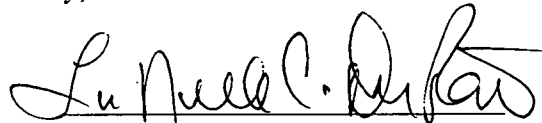
RESPONDENT

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CERTIFICATE OF SERVICE

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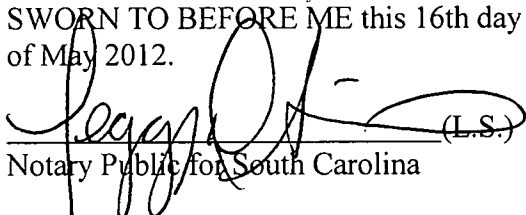
I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Kaelon E. May, Esquire, this 16th day of May, 2012.



LaNelle C. Durant  
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 16th day  
of May 2012.



(L.S.)  
Notary Public for South Carolina

My Commission Expires: December 4, 2017.