

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

ORIGINAL

\_\_\_\_\_  
Certiorari to Cherokee County

J. Derham Cole, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

APR 27 2012

S.C. Supreme Court

JUSTIN O. BYERS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

\_\_\_\_\_  
PETITION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI  
AND ACCOMPANYING APPENDIX  
\_\_\_\_\_

The undersigned counsel respectfully requests a **final thirty day extension, until May 28, 2012**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.
2. Counsel is filing the initial brief of appellant and designation of matter in State v. Anthony Nation with the Supreme Court on today, April 27, 2012. Counsel filed the petition for writ of certiorari in Johnny A. Gainey v. State with the Supreme Court on April 24, 2012. Counsel filed the return to petition for writ of certiorari in Randy Lee Hill v. State with the

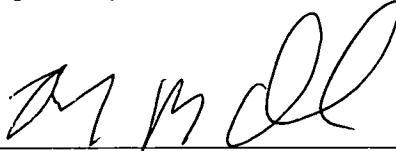
Supreme Court on April 23, 2012. Counsel filed the brief of petitioner in the death penalty case of Brad Keith Sigmon v. State with the Supreme Court on April 20, 2012. Counsel is on the public defender's conference planning committee and a meeting was called Wednesday, April 18, 2012, that was unplanned that counsel had to attend. Counsel filed the initial brief of appellant and designation of matter in State v. David Lewis with the Supreme Court, April 13, 2012. Counsel filed the initial brief of respondent in State v. Robert Jolly #2 with this Court on April 6, 2012. Counsel filed the brief of petition in State v. David M. Rocquemore with the Supreme Court on April 4, 2012. Counsel had an oral argument on March 29, 2012, in State v. Randy Vickery before this Court. Counsel is currently working on the death penalty case of Richard Bernard Moore v. State with co-counsel Susan B. Hackett. In addition to the above, counsel has very extensive administrative duties on a daily basis as the Chief Appellate Defender.

3. This request is made in good faith, and not for purposes 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.

4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until May 28, 2012**. Counsel respectfully requests that the time limits for filing the return to petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

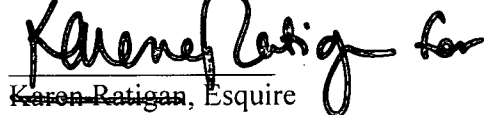


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T. Patton Adams  
Executive Director  
J. Hugh Ryan, III  
General Counsel

April 27, 2012

I DO NOT OPPOSE:



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~~Karen Ratigan~~, Esquire

Suzanne White