

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Darlington County
G. Thomas Cooper, Circuit Court Judge

LARRY JAMES TYLER,

PETITIONER
S.C. SUPREME COURT

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2016-002364

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

Counsel for Larry James Tyler respectfully requests an extension of thirty (30) days in which to file the petition for writ of certiorari 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. On May 16, 2018, Counsel submitted a petition pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 210 (1988) in Petitioner Tyler's case which included a motion to be relieved. The issue on appeal was:

The PCR court erred in not finding trial counsel ineffective for failing to object to the admission of the photos found on Petitioner Tyler's home computer and email of young girls under the age of ten depicted in allegedly "unnatural" positions and one sexually explicit photo with young girl which were inflammatory to the jury and prejudicial to Petitioner Tyler.

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2. On September 5, 2018, Counsel received an Order from this Court denying the motion to be relieved and directing Counsel to file a petition on a different question for Petitioner Tyler within thirty days. The issue to be addressed is:

Was trial counsel ineffective in failing to move to sever the trial of Petitioner's charge for second-degree sexual exploitation of a minor from the trial of his remaining charges?

3. The petition is due with this Court on October 5, 2018.

4. Following a discussion with the Chief Appellate Defender, Robert Dudek, given the denial of the motion to be relieved and the order to brief another issue, Petitioner Tyler's case is being assigned to another Appellate Defender, Laura Baer, within the Division of Appellate Defense.

5. In order to allow Appellate Defender Laura Baer sufficient time to become familiar with Petitioner Tyler's case, Counsel respectfully requests a one-time thirty day extension from October 5, 2018, or such lesser time as this Court is willing to grant.

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

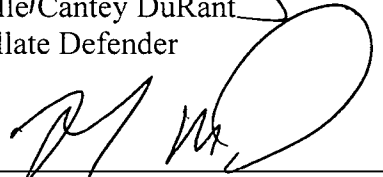
7. Counsel for the Attorney General's office consents to this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, or such lesser time as this Court is willing to grant, in which to file the petition for writ of certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,



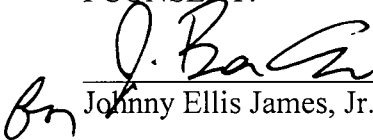
LaNelle Cantey DuRant
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 21st day of September, 2018.

I CONSENT:



Johnny Ellis James, Jr., Esquire