

# The South Carolina Court of Appeals

Larry Tyler, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-002364

---

## ORDER

---

On September 5, 2018, this court denied counsel's motion to withdraw from representation pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 210 (1988), and ordered re-petitioning on an additional allegation of ineffective assistance of trial counsel. Petitioner subsequently moved for the appointment of new counsel. After careful consideration, the motion is denied.<sup>1</sup> See *Richardson v. State*, 377 S.C. 103, 106, 659 S.E.2d 493, 495 (2008) (stating "a PCR applicant is not entitled to appointed counsel of choice"). Respondent has also filed a motion for an extension of time in which to file the ordered petition. This motion is granted. Respondent shall serve and file the petition within thirty days of this order.



FOR THE COURT

Columbia, South Carolina

cc: LaNelle Cantey DuRant, Esquire  
Johnny Ellis James, Jr., Esquire  
Larry James Tyler, #354459

---

<sup>1</sup> We note, however, Respondent indicated in its motion referenced below that this case has been assigned to a new attorney in the Office of Appellate Defense.

**FILED**

Sept. 27, 2018