

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lancaster County

Alison Renee Lee, Circuit Court Judge

 ORIGINAL

RECEIVED

JAN 22 2013

S.C. Supreme Court

PHILLIP SIMS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-212295

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

Counsel for Phillip Sims respectfully requests a **final thirty (30) day extension, until February 21, 2013**, 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 are due to be filed with the Court today. The Court has granted counsel two previous extensions.

2. Counsel for Mr. Sims 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 her caseload, counsel hopes that no further extension requests will be required.

3. On January 17, 2013, counsel filed a petition for rehearing in State v. Ralph Bernard Coleman in the Court of Appeals. On January 16, 2013, counsel testified at a Fifth Circuit PCR hearing in Randy Thomas v. State. On January 14, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Clinton F. Stephens v. State with this Court. On January 10, 2013, counsel filed a brief of petitioner and accompanying appendix in Braxton J. Bell v. State with this Court. On January 8, 2013, counsel held an oral argument in State v. Bobby J. Barton before the Court of Appeals. On January 3, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Eric Rhea v. State with this Court. On January 2, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Marcus Parker v. State with this Court. On December 17, 2012, counsel filed an initial brief of appellant and designation of matter in The Matter of the Care and Treatment of Jimmy Mac McBride in the Court of Appeals; and filed a Johnson petition for writ of certiorari and accompanying appendix in Christopher Devon Jones v. State in this Court. On December 13, 2012, counsel filed a petition for writ of certiorari to the Court of Appeals in State v. Bennie Golston in this Court. On December 10, 2012, counsel filed an Anders brief of appellant and designation of matter with accompanying record on appeal in The Matter of the Care and Treatment of Carl Durrell Cook in the Court of Appeals. On December 6, 2012, counsel held an oral argument in State v. Theodore David Wills, Jr. before this Court. On December 4, 2012, counsel filed a petition for writ of certiorari and accompanying appendix in Myra Christenbury v. State in this Court. On November 29, 2012, counsel filed a return to petition

for writ of certiorari to the Court of Appeals in State v. Phillip Miller in this Court. On November 26, 2012, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Jason D. Parker v. State in this Court.

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

5. Counsel for the Attorney General's office consents to this request as shown by signature below.

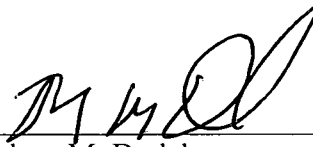
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until February 21, 2013**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



LaNelle C. Durant
Appellate Defender

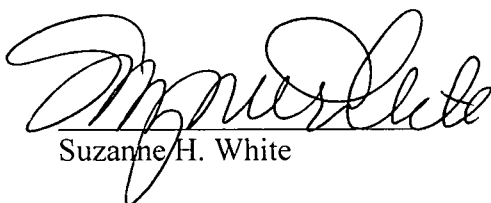
Attorney for Petitioner.



Robert M. Dudek
Chief Appellate Defender

This 22nd day of January, 2013.

I consent:



Suzanne H. White