

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County
Paul M. Burch, Circuit Court Judge

RECEIVED

JAN 30 2013

STATE OF SOUTH CAROLINA,

SC Court of Appeals

RESPONDENT,

V.

JAMES C. TYNER,

APPELLANT.

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for James C. Tyner respectfully requests an extension of thirty (30) days in which to file the initial brief of appellant and designation of matter 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:

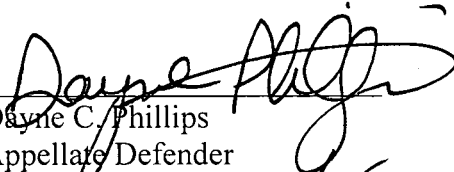
1. The initial brief of appellant and designation of matter is due to be served and filed with the Court today, January 30, 2013.
2. Counsel for Mr. Tyner respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.
3. On January 28, 2013, counsel filed the petition for writ of certiorari and appendix in

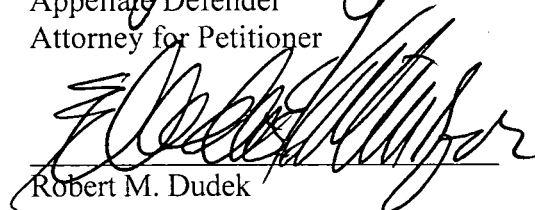
Lawrence R. Waller in the Supreme Court. On January 25, 2013, counsel filed the petition for writ of certiorari and appendix in Carlos Bolt v. State in the Supreme Court. On January 22, 2013, counsel filed the brief of appellant and designation of matter in State v. Mathew Ryan Hendricks with this Court, the petition for writ of certiorari and appendix in Andre Martin v. State in the Supreme Court, and the brief of appellant pursuant to White v. State in Andre Martin v. State in the Supreme Court. On January 14, 2013, counsel filed the brief of appellant and designation of matter in State v. Christopher E. Russell with this Court. On January 11, 2013, counsel filed the petition for writ of certiorari and appendix in Jose Tello v. State in the Supreme Court. On January 9, 2013, counsel filed the petition for writ of certiorari and appendix in Theodore Kyinoo v. State in the Supreme Court. On January 8, 2013, counsel filed the petition for writ of certiorari and appendix in Donald Whetherall v. State in the Supreme Court. On December 21, 2012, counsel filed the petition for writ of certiorari to this Court in State v. Marcus Addison. On December 20, 2012, counsel filed the brief of appellant and designation of matter in State v. Stephon Robinson with this Court. On December 18, 2012, counsel filed the brief of appellant and designation of matter in State v. Mitchell Akeem House with this Court. On December 14, 2012, counsel filed the brief of appellant and designation of matter in State v. Joe Ward with this Court. On December 10, 2012, counsel filed the petition for writ of certiorari and appendix in Mayron Rashad Gilree v. State in the Supreme Court. On December 5, 2012, counsel filed the brief of appellant and designation of matter in State v. Alex Robinson with this Court. On November 29, 2012, counsel filed the petition for writ of certiorari and appendix in Rufino Uriostegui v. State in the Supreme Court; the petition for writ of certiorari and appendix in Nancy VonCannon v. State in the Supreme Court; and the petition for writ of certiorari pursuant to Austin v. State in Nancy VonCannon v. State in the Supreme Court.

4. Counsel makes this request in good faith and not for purpose of delay.
5. As indicated by signature below, Salley W. Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the initial brief of appellant and designation of matter 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.

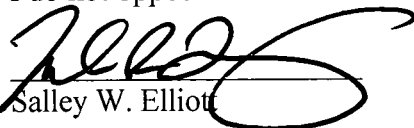
Respectfully submitted,


Dayne C. Phillips
Appellate Defender
Attorney for Petitioner


Robert M. Dudek
Chief Appellate Defender

January 30, 2013

I do not oppose:


For Salley W. Elliott