

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from York County

Thomas A. Russo, Circuit Court Judge

RECEIVED

FEB 04 2013

COURT OF APPEALS

IN THE MATTER OF THE CARE AND TREATMENT OF
O'BRYAN B. WHITLOCK,

APPELLANT.

APPELLATE CASE NO. 2012-212021

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

Counsel for O'Bryan B. Whitlock 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 are due to be filed with the Court today.

The Court has granted counsel two previous extensions.

2. Counsel for Mr. Whitlock 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 31, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in State v. Kevin King with the Supreme Court. On January 30, 2013, counsel filed a petition for writ of certiorari to the Court of Appeals and accompanying appendix in State v. Christopher Manning with the

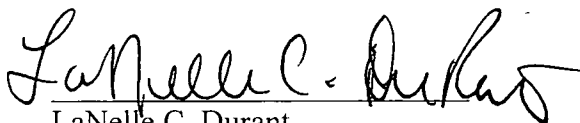
Supreme Court; a petition for writ of certiorari to the Court of Appeals and accompanying appendix in State v. Christopher Whitehead with the Supreme Court; a petition for writ of certiorari and accompanying appendix in Sintari Summers v. State with the Supreme Court; and a petition for writ of certiorari and accompanying appendix in Terrance Tompkins v. State with the Supreme Court. On January 29, 2013, counsel filed a Motion to Argue Against Precedent in State v. Clarence Logan, Jr., in the Supreme Court. On January, 28, 2013, counsel filed a petition for writ of certiorari to the Court of Appeals and accompanying appendix in State v. Bennie Mitchell with the Supreme Court. On January 24, 2013, counsel filed a Motion for Appointment of Outside Counsel in State v. Kevin Reed in this Court. On January 17, 2013, counsel filed a petition for rehearing in State v. Ralph Bernard Coleman in this Court. 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 the Supreme Court. On January 10, 2013, counsel filed a brief of petitioner and accompanying appendix in Braxton J. Bell v. State with the Supreme Court. On January 8, 2013, counsel held an oral argument in State v. Bobby J. Barton before this Court. On January 3, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Eric Rhea v. State with the Supreme Court. On January 2, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Marcus Parker v. State with the Supreme 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 this Court; and filed a Johnson petition for writ of certiorari and accompanying appendix in Christopher Devon Jones v. State in the Supreme Court. On December 13, 2012, counsel filed a petition for writ of certiorari to the Court of Appeals in State v. Bennie Golston in the Supreme 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 this Court. On December 6, 2012, counsel held an oral argument in State v. Theodore David

Wills, Jr. before the Supreme Court. On December 4, 2012, counsel filed a petition for writ of certiorari and accompanying appendix in Myra Christenbury v. State in the Supreme 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 shown by signature below.

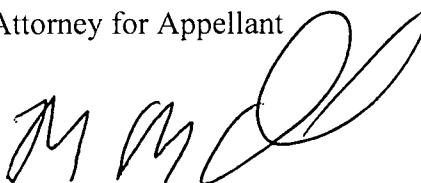
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



LaNelle C. Durant
Appellate Defender

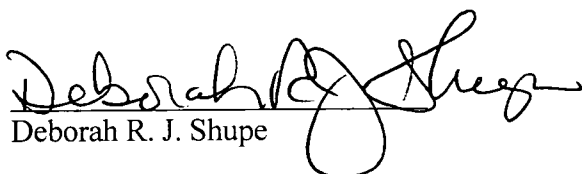
Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender

This 4th day of February, 2013.

I consent:



Deborah R. J. Shupe