

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY

Roger E. Henderson, Circuit Judge

Case No. 2015CP1600788

Appellate Case No. 2018-001442

In the Matter of the Care and Treatment of  
Larry James Tyler

Appellant.

FOURTH MOTION FOR EXTENSION OF TIME

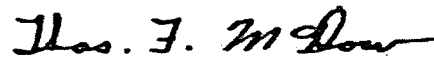
I move for an extension of time until June 19, 2019, to file the Initial Brief of Appellant. This is my fourth request for an extension (Apparently there were two extensions before my appointment). The brief is due today under the Order dated June 12, 2019, which also provided there would be no further extension absent extraordinary circumstances. I am acutely aware and appreciative of the Court's generosity in prior extensions and the Court's need for timely brief. Likewise, I am acutely aware and concerned of the possibility that Larry Tyler may spend the remainder of his life wrongly incarcerated if this brief is not near perfect. These are the extraordinary circumstances:

- On June 17, 2019, I completed the first draft of the initial Brief of Appellant addressing five issues in 24 pages. I attached Exhibit A, pages ii and iii, the Table of Authorities, to demonstrate the legal research and work I put into this brief.
- On June 17, 2019, I sent the brief to co-counsel requesting: "Please read this and send me your comments on the most glaring deficiencies. Note any cases I should read not in the Table of Authorities. If I misstate the law, tell me so. If any statements or analogies are inappropriate, tell me. ... Do not worry about my feelings. I much prefer having my feelings hurt to losing a case which should be won .... "
- Co-counsel obliged. (I will provide documentation if the Court requests it.

- I served and filed the Designation of Matter to Be Included in the Record on Appeal June 5, 2019.
- I have recorded more than 42.70 hours on this brief, including 14.70 hours since June 5, 2019.
- I have had an especially difficult work schedule this year. Since April 1, 2019, I have worked every day, including Saturdays and Sundays, with the exception of Friday and Saturday of the Memorial Day weekend. I am overwhelmed by work.
- Opposing counsel graciously consents to this extension.

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June 19, 2019

Other counsel of record are:

Alan McCrory Wilson  
Deborah R. J. Shupe

EXHIBIT A

TABLE OF AUTHORITIES

*Cases*

Brown v. Allen, 344 U.S. 443, 540, 73 S. Ct. 397, 427, 97 L. Ed. 469 (1953). . . . . 18

Buck v. Bell, 274 U.S. 200, 47 S.Ct. 584, 71 L.Ed. 1000 (1927). . . . . 18

Commonwealth v. Ortiz, 93 Mass. App. Ct. 381, 388, 100 N.E.3d 790, 797 (2018)  
. . . . . 21

Doe ex rel. Rudy-Glanzer v. Glanzer, 232 F.3d 1258, 1266 (9th Cir. 2000) . . . . . 20

Hornsby v. Hornsby, 187 S.C. 463, 198 S.E. 29, 32 (1938). . . . . 10

In re Miller, 393 S.C. 248, 261, 713 S.E.2d 253, 259 (2011). . . . . 22

In re Vora, 354 S.C. 590, 595, 582 S.E.2d 413, 416 (2003). . . . . 4, 9

Kirk v. State, 520 S.W.3d 443, 463 (Mo. 2017), cert. denied, 138 S. Ct. 982, 200 L.  
Ed. 2d 261 (2018) . . . . . 20

Korematsu v. U.S., 323 U.S. 214, 65 S.Ct. 193, 89 L.Ed. 194 (1944). . . . . 18

Marbury v. Madison, 5 U.S. 137, 163, 2 L. Ed. 60 (1803). . . . . 18

Matter of McDow, 291 S.C. 468, 354 S.E.2d 383 (1987). . . . . 17

Miller v. Miller, 375 S.C. 443, 455, 652 S.E.2d 754, 760 (Ct. App. 2007) . . . . . 10

Plessey v. Ferguson, 16 Sct. 1138 (1896) . . . . . 18

Rochin v. California, 342 U.S. 165, 173, 72 S. Ct. 205, 210, 96 L. Ed. 183 (1952)  
. . . . . 19

Scott v. Sandford, 60 U.S. 393 (1857) . . . . . 18

Skinner v. Railway Labor Executives' Ass'n, 489 U.S. 602, 635 (1989) . . . . . 19

State v. Dunbar, 361 S.C. 240, 603 S.E.2d 615 (Ct. App. 2004). . . . . 9

State v. Spencer, 119 N.C. App. 662, 666–67, 459 S.E.2d 812, 815–16 (1995) . . . . 21

Toyota of Florence, Inc. v. Lynch, 314 S.C. at 267, 442 S.E.2d at 617. . . . .	<u>10</u>
United States v. McLaurin, 731 F.3d 258, 259 (2d Cir. 2013) . . . . .	<u>17</u>
United States v. Powers, 59 F.3d 1460, 1471 (4th Cir. 1995) . . . . .	<u>20</u>
United States v. Springer, 715 F.3d 535, 538 (4th Cir. 2013) . . . . .	<u>11</u>
United States v. Weber, 451 F.3d 552, 562–63 (9th Cir. 2006) . . . . .	<u>16, 23</u>

*Statutes*

S. C. Code Ann. § 44-48-80(D) . . . . .	<u>22</u>
South Carolina Constitution, Article I, § 10 . . . . .	<u>4, 16</u>
South Carolina Constitution, Article I, § 3 . . . . .	<u>16</u>
United States Constitution, Amendment IV. . . . .	<u>4, 16</u>
United States Constitution, Amendment V . . . . .	<u>4, 16</u>
United States Constitution, Amendment XIV . . . . .	<u>4, 16</u>

*Other Authorities*

13 Corpus Juris 88 . . . . .	<u>10</u>
79 C.J.S. <i>Contempt</i> , § 90 . . . . .	<u>9</u>
<i>Black’s Law Dictionary (8<sup>th</sup> ed.)</i> , p. 23. . . . .	<u>9</u>
Rule 52(a), SCRCP . . . . .	<u>4</u>
Rule 7, SCRCP . . . . .	<u>9</u>

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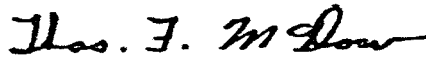
Appellant.

CERTIFICATE OF SERVICE

I certify that I have served the motion for extension of time on the respondent by depositing copies of it in the United States Mail, postage prepaid, on June 19, 2019, addressed to respondent's attorney of record:

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June 19, 2019