

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

Certiorari to Spartanburg County
J. Mark Hayes, II, Circuit Court Judge

RECEIVED

FEB 28 2013

S.C. Supreme Court

MABLE LEEBEY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-213132

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

Counsel for Mable LeeBey respectfully requests a thirty day extension in which to file the return to petition for writ of certiorari in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The return to petition for writ of certiorari and appendix is due to be served and filed with the Court today.
2. Counsel for Ms. LeeBey 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. Today, February 28, 2013, counsel is filing the brief of appellant and record on appeal in State v. Willie Prince in the Court of Appeals. On February 26, 2013, counsel filed the petition for writ of certiorari and appendix in James Roseboro v. State with this Court. On February 25, 2013, counsel filed the amended initial brief and designation of matter in State v. Stephon Robinson in the Court of Appeals. On February 21, 2013, counsel filed the brief of appellant and designation of matter in State v. Daniel Jackson in the Court of Appeals. On February 14, 2013, counsel attended the bond hearing in Horry County in State v. Richard Gagnon. On February 11, 2013, counsel filed the petition for writ of certiorari and appendix in Roger Johnson v. State with this Court. On February 7, 2013, counsel went to Lee Correctional Facility in Bishopville for a client visit. On February 5, 2013, counsel filed the petition for writ of certiorari and appendix in Jovan McRant v. State with this Court. On February 4, 2013, counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Rushan Counts with this Court. On January 28, 2013, counsel filed the petition for writ of certiorari and appendix in Lawrence R. Waller v. State with this Court. On January 25, 2013, counsel filed the petition for writ of certiorari and appendix in Carlos Bolt v. State with this Court. On January 22, 2013, counsel filed the brief of appellant and designation of matter in State v. Mathew Ryan Hendricks in the Court of Appeals, the petition for writ of certiorari and appendix in Andre Martin v. State with this Court, and the brief of appellant pursuant to White v. State in Andre Martin v. State with this Court. On January 14, 2013, counsel filed the brief of appellant and designation of matter in State v. Christopher E. Russell in the Court of Appeals. On January 11, 2013, counsel filed the petition for writ of certiorari and appendix in Jose Tello v. State with this Court. On January 11, 2013, counsel went to Lee Correctional Facility in Bishopville for a


client visit. On January 9, 2013, counsel filed the petition for writ of certiorari and appendix in Theodore Kyinoo v. State with this Court. On January 8, 2013, counsel filed the petition for writ of certiorari and appendix in Donald Whetherall v. State with this Court.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension in which to file the return to petition for writ of certiorari in this case based upon the above exigent circumstances.

Respectfully submitted,


Dayne C. Phillips
Appellate Defender

Attorney for Petitioner

February 28, 2013

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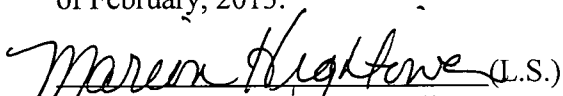
CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Suzanne H. White, Esquire, this 28th day of February 28, 2013.


Dayne C. Phillips
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 28th day
of February, 2013.


Marena Hightower (L.S.)
Notary Public for South Carolina

My Commission Expires: October 2, 2013.