

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lexington County
Clifton Newman, Circuit Court Judge

CURTIS J. MCKIE,

V.

STATE OF SOUTH CAROLINA,

Appellate Case No. 2012-212355

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

Counsel for Curtis J. McKie respectfully requests an extension of a **final** thirty (30) days 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 is due to be served and filed with the Court on **March 15, 2013**.
2. Counsel for Mr. Curtis 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.

ORIGINAL

RECEIVED

MAR 15 2013

S.C. Supreme Court

PETITIONER,

RESPONDENT

RECEIVED

MAR 19 2013

SC Court of Appeals

3. On March 11, 2013, counsel is filed the brief of appellant and designation of matter in State v. Robert Artis in the Court of Appeals. On March 5, 2013, counsel had an oral argument in State v. James Byers in the Court of Appeals. On February 28, 2013, counsel filed 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.

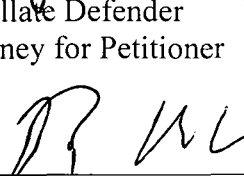
4. Counsel makes this request in good faith and not for purpose of delay.

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 **final** thirty day extension, 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,


Dayne C. Phillips
Appellate Defender
Attorney for Petitioner


Robert M. Dudek
Chief Appellate Defender

March 15, 2013

I do not oppose:


Salley W. Elliott