

 ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Cherokee County  
Roger L. Couch, Circuit Court Judge

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RECEIVED

APR - 1 2013

S.C. Supreme Court

JONATHAN BYERS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-213076

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

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Counsel for Jonathan Byers respectfully requests a **final extension of thirty (30) days until May 1, 2013**, 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 today, April 1, 2013.

2. Counsel for Mr. Byers 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, counsel will file a brief of appellant and record on appeal in State v. Eric Shoddy in the Court of Appeals; and counsel will file a petition for writ of certiorari and accompanying appendix, along with a petition for writ of certiorari pursuant to Austin v. State in Randy Bryant v. State in this Court. On March 22, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Antonio Lamont Boykin v. State in this Court; and counsel filed a Johnson petition for writ of certiorari and accompanying appendix in David Fitch v. State with this Court. On March 8, 2013, counsel filed the brief of appellant and designation of matter in State v. Crystal Nicole Thomas with the Court of Appeals. On March 6, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Eugene Santiago v. State in this Court. On March 5, 2013, counsel had oral arguments in State v. Christopher Watson, and in State v. Joseph Cobb, both at the Court of Appeals. On February 27, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Martina R. Putnam v. State in this Court. On February 20, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Octavious C. Neely v. State in this Court. On February 15, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Islam Dunn v. State in this Court. On February 13, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Robert Bostic v. State in this Court. On February 8, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Jeremy McPhail v. State in this Court. On February 6, 2013, counsel filed the brief of appellant and designation of matter in State v. Randal William Benton with the Court of Appeals. On February 5, 2013, counsel had an oral argument in State v. Randy Blythe at the Court of Appeals, and filed the brief of appellant and record on appeal in State v. Willie L. Colvin with the Court of Appeals. On February 4, 2013, counsel filed the brief of appellant and record on appeal in State v. Brandon Davis with the Court of Appeals. On February 1, 2013, counsel filed the brief of appellant in State v. Miguel Herrera with the Court of Appeals, and

filed the brief of appellant and designation of matter in State v. James Lamaricus Page with the Court of Appeals.

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 consents to this request as shown by signature below.

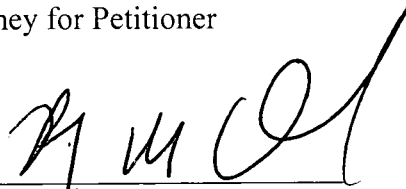
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until May 1, 2013**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances.

Respectfully submitted,



Breen R. Stevens  
Appellate Defender

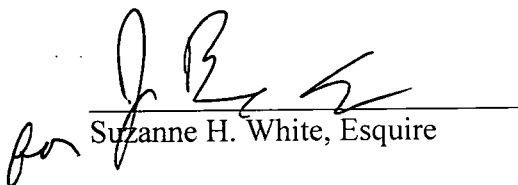
Attorney for Petitioner



Robert M. Dudek  
Chief Appellate Defender

This 1st day of April, 2013

I Consent:



Suzanne H. White, Esquire