

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Chesterfield County

Paul M. Burch, Circuit Court Judge

RECEIVED

MAY 08 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

JAMES C. TYNER,

APPELLANT

APPELLATE CASE NO. 2012-212324

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

Counsel for James C. Tyner respectfully requests a **final thirty day extension, until June 7, 2013**, in which to file the initial brief of appellant and designation of matter in this case.

This is a fifth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter is due to be served and filed with the Court today, May 8, 2013.
2. This case was assigned to Dayne Phillips, whose last day with the Appellate Division was Friday, April 5, 2013. Undersigned counsel has assumed Mr. Phillip's caseload effective April 9, 2013, and has been reassigned to handle the present case. **This is undersigned counsel's first extension request in this case.**

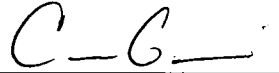
3. Counsel has an oral argument in the case of State v. Michael Avery Humphrey in this Court today, May 8, 2013. In addition, Counsel is working on and plans to file the initial brief of appellant and designation of matter in the case of State v. Erick E. Hewins in this Court on Monday, May 13, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Marcus Daniel Allison in this Court on May 6, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of and Gary Waiters v. State in the Supreme Court on May 2, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Mable Lee-Bey v. State in the Supreme Court on May 1, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jerry Whitfield v. State in the Supreme Court on April 24, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Donald Anderson in this Court on April 19, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Eric LaGeorge Mouzon v. State in the Supreme Court on April 16, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Little Johnny Lee Mackey v. State in the Supreme Court on April 12, 2013.

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

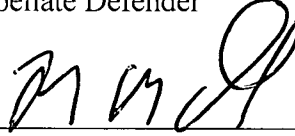
5. As indicated by signature below, Salley W. Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until June 7, 2013**, 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 petition be held in abeyance pending a ruling on this motion.

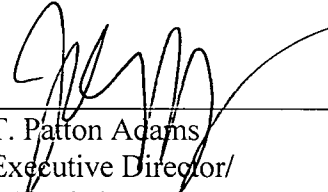
Respectfully submitted,



Carmen V. Ganjehsani
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director/
J. Hugh Ryan, III
General Counsel

May 8, 2013

I do not oppose:



Salley W. Elliott