

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Dorchester County

Perry M. Buckner, Circuit Court Judge  
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**RECEIVED**

MAY 22 2013

**S.C. Supreme Court**

JOHN EDWARD WEIK,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2007-060700  
\_\_\_\_\_

PETITION FOR EXTENSION TO FILE  
THE BRIEF OF PETITIONER  
\_\_\_\_\_

The undersigned counsel respectfully requests a thirty day extension in which to file the brief of petitioner in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The brief of petitioner in this case is due to be served and filed today.
2. Counsel is working on and plans to file the petition for rehearing in the case of State v. Jeffrey A. Michaelson in the Court of Appeals tomorrow, May 23, 2013. Additionally, Counsel is working on and plans to file the initial brief of appellant and designation of matter in the case of State v. Jefferson Perry in the Court of Appeals by this Friday, May 24, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Bobby McCann in the Court of Appeals on May 17, 2013. Counsel had an oral argument in the case of

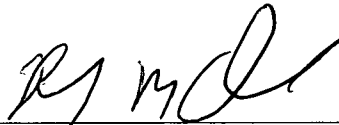
State v. William Brockmeyer, where he is Counsel with Miles Coleman and Matt Bogan of Nelson Mullins Riley & Scarborough, LLP, in this Court on May 15, 2013. In addition, Counsel had oral arguments in the cases of State v. Robert C. Johnson and State v. Andre Richardson in the Court of Appeals on May 14, 2013. Counsel filed the initial reply brief of appellant in the case of State v. Jamaal Hinson, with Co-Counsel Reid Sherard of Nelson Mullins Riley & Scarborough, LLP, in the Court of Appeals on May 8, 2013. In addition, Counsel filed the petition for rehearing in the case of In the Interest of David L., a Minor Under the Age of Seventeen, with Co-Counsel E. Charles Grose, Jr., in this Court on May 8, 2013. Counsel filed the return to the petition for writ of certiorari in the case of Craig Brannon v. State in this Court on May 6, 2013. Counsel filed the petition for rehearing in the case of State v. Andre Tayson Boone in the Court of Appeals on May 1, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Mark Peters in the Court of Appeals on April 26, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Victor White in the Court of Appeals on April 24, 2013. Counsel filed the petitioner's reply brief in the case of Gene Tony Cooper v. State in the United States Supreme Court on April 23, 2013. Counsel had an oral argument in the case of In the Interest of David L., a Minor Under the Age of Seventeen (with co-counsel Charles Grose) in this Court on April 16, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jevon Brown in the Court of Appeals on April 10, 2013. Counsel filed the petition for rehearing in the **death penalty** case of State v. Brad Sigmon in this Court on April 4, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Asherdon Holloway in the Court of Appeals on April 3, 2013. Counsel had an oral argument in the case of State v. Andre Tayson Boone in the Court of Appeals on April 1, 2013. In addition, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Frankie Williams v. State in this

Court on April 1, 2013. In March, 2013, Counsel attended and presented at the Best Practices Seminar in Charleston, sponsored by the South Carolina Commission on Indigent Defense. Additionally in March, 2013, Counsel filed the initial briefs of appellant and designations of matter in the cases of State v. Calvin Prince, State v. Patrick Guess, State v. Nicholas Brannon and State v. Phillip Shuler, as well as the petitions for rehearing in the cases of State v. Stephen Christopher Stanko (capital case) and State v. Kendrick Taylor, and the return to the state's rehearing petition in the case of State v. Raymondeze Rivera (capital case). Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of State v. Derrick McDonald, the reply to the return to the petition for writ of certiorari in the case of State v. Randy Vickery, and had oral arguments in the cases of State v. Donald Petty and State v. Gerald Pitts in March, 2013. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

3. This request is made in good faith, and not for purposes 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.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the brief of petitioner be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

May 22, 2013

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Dorchester County  
Perry M. Buckner, Circuit Court Judge

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JOHN EDWARD WEIK,

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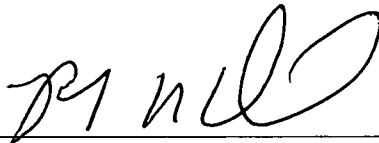
Appellate Case No. 2007-060700

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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the petition for extension to file the brief of petitioner in the above referenced case has been served upon Donald J. Zelenka, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 22nd day of May, 2013.



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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me  
this 22nd day of May, 2013.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: October 2, 2013 .