

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

RECEIVED
JUN 10 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JAMES IRBY,

APPELLANT

Appellate Case No. 2012-213028

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

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

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel has an oral argument in the case of In the Interest of Brandon M., a Minor in this Court tomorrow, June 11, 2013. In addition, Counsel is working on and plans to file the petition for writ of certiorari and accompanying appendix in the case of Domonique Brown v. State in the Supreme Court on Thursday, June 13, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Antonio Miller, as well as the

petition for rehearing in the case of State v. Kendrick Taylor, both in this Court on June 6, 2013. Counsel had an oral argument in the case of State v. Charles Pennell in this Court yesterday, June 5, 2013. In addition, Counsel filed the return to the motion for outside counsel in the **death penalty** case of Freddie Owens v. State, and the notice of supplemental authority in the **death penalty** case of James Roberson v. State, both in the Supreme Court yesterday, June 5, 2013. Counsel had oral arguments in the cases of State v. Dondre Scott and State v. Rashaun Sobers in this Court on June 4, 2013. Counsel filed the reply to the return to the petition for writ of certiorari in the **death penalty** case of Marion Alexander Lindsey v. State, with Co-Counsel David Alexander, in the Supreme Court on May 28, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Jason Ray Franks (in the COA) in the Supreme Court on May 23, 2013. In addition, Counsel filed the initial briefs of appellant and designations of matter in the cases of State v. Jefferson Perry and State v. Robert Renzo in this Court on May 23, 2013. Counsel filed the petition for rehearing in the case of State v. Jeffrey A. Michaelson in this Court on May 22, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Bobby McCann in this Court 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 the Supreme 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 this Court 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 this Court 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 the Supreme Court on May 8, 2013. Counsel filed the return to the petition for writ of certiorari in the case of Craig

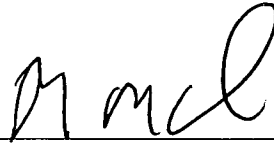
Brannon v. State in the Supreme Court on May 6, 2013. Counsel filed the petition for rehearing in the case of State v. Andre Tayson Boone in this Court on May 1, 2013. In April, 2013, Counsel filed the initial briefs of appellant and designations of matter in the cases of State v. Mark Peters, State v. Victor White, State v. Jevon Brown, State v. Asherdon Holloway, the petitioner's reply brief in the case of Gene Tony Cooper v. State in the United States Supreme Court, the petition for rehearing in the **death penalty** case of State v. Brad Sigmon, and the petition for writ of certiorari and accompanying appendix in the case of Frankie Williams v. State. In addition, Counsel had an oral arguments in the cases of In the Interest of David L., a Minor Under the Age of Seventeen (with co-counsel Charles Grose) in the Supreme Court, and in the case of State v. Andre Tayson Boone in this Court in April, 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.

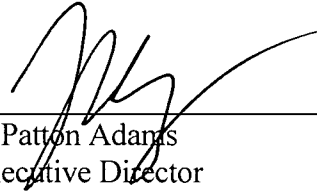
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

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

Respectfully submitted,




Robert M. Dudek
Chief Appellate Defender



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

June 10, 2013

I DO NOT OPPOSE:



for Salley W. Elliott