

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

Lee S. Alford, Circuit Court Judge

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JUL - 6 2012

S.C. Supreme Court

JAMES ROBERTSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-205909

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI AND
ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today **in this death penalty case.**

2. Counsel is currently working on two additional death penalty cases: Richard Bernard Moore v. State, with Co-Counsel Susan Hackett, to be filed on July 18, 2012; and Marion Alexander Lindsey v. State. Counsel is working on this case with Co-Counsel Matt

Bogan, pro bono, of the Nelson Mullins firm. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Garvin Duvall (in the COA) with this Court on June 29, 2012. Counsel filed the petition for rehearing in the case of State v. Christopher Heller in the Court of Appeals on June 28, 2012. Counsel had an oral argument in the case of State v. Derrick McDonald in the Court of Appeals on June 19, 2012. Counsel filed the petition for rehearing in the case of State v. Robert S. Jolly in the Court of Appeals on June 15, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Brandon M. with the Court of Appeals on June 13, 2012, arguing a directed verdict of acquittal should be issued. Counsel filed the petition for writ of certiorari in Jerry Buck Inman v. South Carolina with the Supreme Court of the United States on June 11, 2011. Counsel filed the brief of petitioner in the case of State v. Tracy B. with this Court on June 8, 2012. Counsel had an oral argument in the case of State v. Tommy Toomer in the Court of Appeals on June 6, 2012. Counsel filed the brief of appellant in State v. Andre T. Richardson with the Court of Appeals on June 1, 2012. In May, 2012, Counsel filed the petitions for writ of certiorari and accompanying appendices in Justin O. Byers v. State, Tyrone Ransom v. State, Michael Joseph Fleming v. State and Tyrone Lewis, Jr. v. State with this Court. Additionally in May, 2012, Counsel filed the initial brief of appellant and designation of matter in State v. Ricky Shane Black with the Court of Appeals, as well as the brief of petitioner in State v. Gene Tony Cooper with this Court. In addition to the above, counsel has very extensive administrative duties on a daily basis as the Chief Appellate Defender, and **he is scheduled to have back surgery on Wednesday, July 25, 2012.**

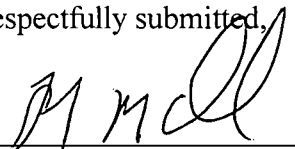
3. As indicated by his consent below, counsel for the state does not oppose this request.

4. 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

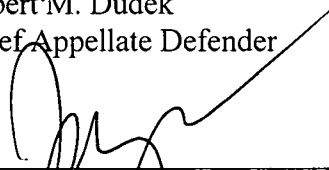
requested. **Counsel most respectfully requests that this Court give consideration to not making this extension the last given the above circumstances. This request is not made for reasons of delay** as counsel is working on three death penalty cases with deadlines at the present time.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



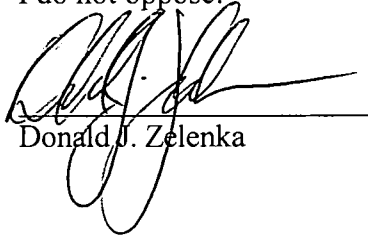
Robert M. Dudek
Chief Appellate Defender



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

July 6, 2012

I do not oppose:



Donald J. Zelenka