

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

AUG 28 2013

SC Court of Appeals

Appeal from York County

John C. Hayes, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

HARRY ANTHONY,

APPELLANT

APPELLATE CASE NO. 2012-206627

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

The undersigned counsel respectfully requests a **final thirty day extension, until September 27, 2013**, 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. **Counsel will file the brief with this Court, if possible, earlier than the thirty (30) day extension requested, and Counsel has discussed the number of extensions in this case with Chief Appellate Defender, Robert Dudek. Counsel expects to file this brief by August 30, 2013.**

2. Counsel for Mr. Anthony respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel recognizes that the previous extension for this case was a final extension; however, counsel has been unable to complete this initial brief. Counsel acknowledges that a sixth extension request for an initial brief for appellant and designation of matter is in contradiction to the internal rules of this office.**

3. Counsel is currently working on a death penalty case in Marion Bowman v. State, in which the appendix is over **10,000** pages. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Travis Parker v. State in the Supreme Court on Tuesday, August 27, 2013. Counsel filed the brief of appellant and record on appeal in State v. Jeff Chestnut in this Court on Tuesday, August 20, 2013. Counsel filed the initial reply brief in the case of State v. Steven Kranendonk in this Court on Monday, August 19, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Robert Brown v. State in the Supreme Court on Friday, August 16, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Darrell Brown v. State in the Supreme Court on Tuesday, August 6, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Lord Byron Slater v. State in the Supreme Court on Monday, August 5, 2013. Also on Monday, August 5, 2013 counsel filed the brief of appellant and record on appeal in State v. Charles Anderson in this Court. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Efrain Perez Martinez v. State in the Supreme Court on Thursday, August 1, 2013. Also on Thursday, August 1, 2013 counsel filed the petition for writ of habeas corpus in case of Curtis Simms v. State in the original jurisdiction of the Supreme Court. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Christopher Paul Mahaffey in this Court on Monday, July 29, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jimmy D. Portee v. State in the

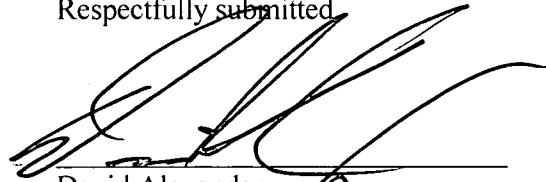
Supreme Court on Wednesday, July 17, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Steven Gregory Frost in this Court on Thursday, July 11, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Brenda Bratschi in this Court on Monday, July 1, 2013. On Friday, June 21, 2013, counsel filed the brief of appellant and record on appeal in State v. Stakren Jefferson in this Court.

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.

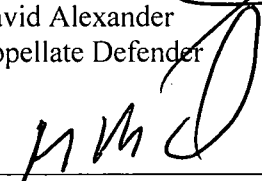
5. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until September 27, 2013**. 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.

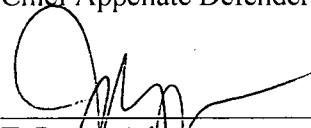
Respectfully submitted



David Alexander
Appellate Defender



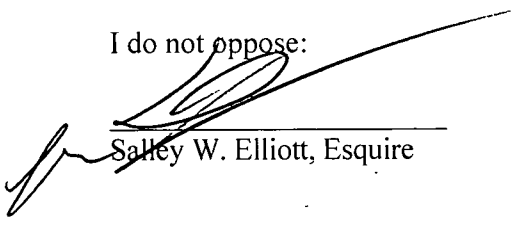
Robert M. Dudek
Chief Appellate Defender



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

August 28, 2013

I do not oppose:



Salley W. Elliott, Esquire