

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lancaster County

Brooks P. Goldsmith, Circuit Court Judge

RECEIVED

SEP - 5 2013

S.C. Supreme Court

BRIAN ANSELM DIGGS,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000285

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
FROM THE COURT OF APPEALS
AND ACCOMPANYING APPENDIX

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

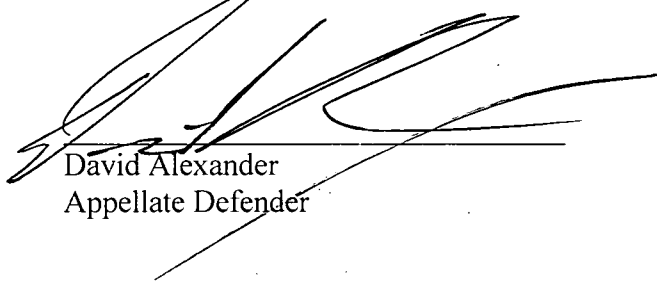
1. The petition for writ of certiorari from the Court of Appeals and accompanying appendix in this case are due to be served and filed today.
2. Counsel is currently working on a death penalty case in Marion Bowman v. State, in which the appendix is over 10,000 pages. Counsel filed the reply to the return to the petition

for writ of certiorari in this Court in Brenda Gail Cutro v. State on September 3, 2013. Counsel filed the petition for rehearing in the Court of Appeals in State v. Darren Scott on August 29, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Travis Parker v. State in this Court on Tuesday, August 27, 2013. Counsel filed the brief of appellant and record on appeal in State v. Jeff Chestnut in the Court of Appeals on Tuesday, August 20, 2013. Counsel filed the initial reply brief in the case of State v. Steven Kranendonk in the Court of Appeals 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 this 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 this 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 this 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 the Court of Appeals. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Efrain Perez Martinez v. State in this 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 the Court of Appeals 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 this Court on Wednesday, July 17, 2013.

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 petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander
Appellate Defender

September 5, 2013

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Lancaster County
Brooks P. Goldsmith, Circuit Court Judge

BRIAN ANSELM DIGGS,

PETITIONER,

V.

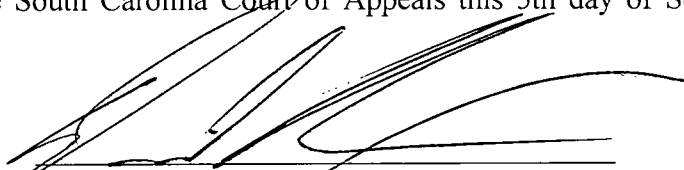
STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000285

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Suzzane H. White, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, and the South Carolina Court of Appeals this 5th day of September, 2013.



David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 5th day of September, 2013.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.