

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dorchester County

Diane Schafer Goodstein, Circuit Court Judge

RECEIVED

SEP 16 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DON-SURVI CHISOLM,

APPELLANT

Appellate Case No. 2011-200186

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. This is a murder case and involves a lengthy transcript. This case was held in abeyance from March 29, 2013 until August 15, 2013 due to a sealed transcript that was needed. This is Counsel's first extension request since taking this case out of abeyance. Co-Counsel Lara Caudy will also be working with me on this initial brief. **Counsel will make every effort to file the brief within the thirty day extension.**

2. Counsel is working on and plans to file the petition for writ of certiorari and accompanying appendix in the case of State v. Jeffrey Michaelson (in the COA) in the Supreme Court this week. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Michael Wright in this Court, as well as the petition for rehearing in the case of State v. James Bethel in the Supreme Court on September 13, 2013. Counsel filed the petitions for rehearing in the cases of State v. Anthony Wade and State v. Alton Shelley in the Supreme Court on September 12, 2013. Additionally, Counsel filed the petition for writ of certiorari and accompanying appendix in the **death penalty** case of State v. Brad Keith Sigmon in the United States Supreme Court on September 12, 2013. Counsel is also working on the case of Marion Bowman v. State, a **death penalty** case in the Supreme Court with a 10,000 page appendix. Counsel filed the initial brief of appellant and designation of matter in the case of State v. John L. Hogan in this Court on September 4, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Victor Weldon in this Court on August 28, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Charles M. Harris in this Court on August 14, 2013. Counsel filed both the initial brief of appellant and designation of matter, and the initial brief of respondent and designation of matter, in the cross-appeal case of State v. Anthony Blakney in this Court on August 7, 2013. Counsel filed the initial brief of appellant (three issue merits brief) and designation of matter in the case of State v. Jason Bauman in this Court on August 2, 2013. Counsel filed a petition for writ of habeas corpus in the Supreme Court's original jurisdiction and accompanying appendix with Co-Counsel David Alexander and Susan Hackett in the case of State v. Curtis Simms in the Supreme Court on August 1, 2013. Counsel went to Allendale Correctional Institution to meet with Juan Orozco regarding the case of State v. Juan Orozco in the Supreme Court on July 31, 2013.

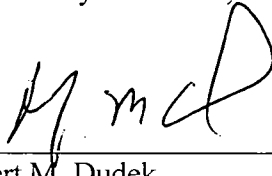
Counsel filed the brief of petitioner in the **death penalty** case of John Edward Weik v. State in the Supreme Court on July 30, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Antonio Thomas in this Court on July 24, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robert Wayne Mitchell in this Court on July 19, 2013. Counsel filed the initial brief of appellant and designation of matter in the murder case of State v. Edward W. Stackhouse, as well as the petition for rehearing in the case of State v. Manuel Antonio Marin, with Co-Counsel David Alexander, both in this Court on July 18, 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.

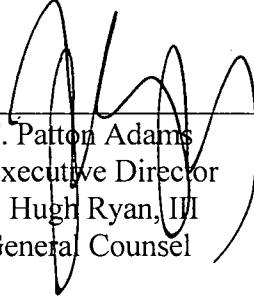
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

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,



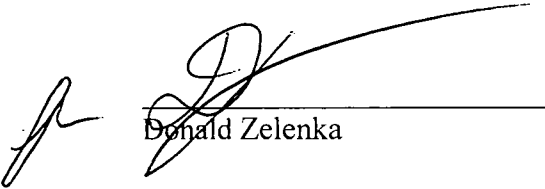
Robert M. Dudek
Chief Appellate Defender



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

September 16, 2013

I DO NOT OPPOSE:



Donald Zelenka