

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Roger M. Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BREON JACOBY MAYERS,

APPELLANT

APPELLATE CASE NO, 2012-213003

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

The undersigned counsel would respectfully request a **final thirty-day extension until November 7, 2013**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. **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 October 22, 2012.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009.

In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

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SC Court of Appeals

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today. **Counsel had requested a prior extension that he intended to be the last; however, counsel is unable to comply with that order due to his current caseload and other exceptional circumstances,** counsel would respectfully show the Court the following exigent circumstances, those being that **his wife gave birth to counsel's second child on September 30, 2013, and in mid September, counsel tore ligaments in his foot.** Furthermore this transcript is in excess of 1000 Pages. Counsel is currently working on a death penalty case in Marion Bowman v. State, in which the appendix is over 10,000 pages and which is due on its final extension October 18, 2013.

2. Counsel filed the initial reply brief of appellant in the case of State v. Edward M. Dunn in this Court on Friday, September 27, 2013. Counsel attended the Public Defender Conference in Myrtle Beach, South Carolina on September 23rd, 24th and 25th of 2013. Counsel filed the petition for rehearing in the Supreme Court in Richard Sims v. State on Friday, September 20, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Harry Anthony in this Court on Tuesday, September 10, 2013. Also on Tuesday, September 10, 2013 Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Watson v. State in the Supreme Court. Counsel filed the reply to the return to the petition for writ of certiorari in the Supreme Court in Brenda Gail Cutro v. State on September 3, 2013. Counsel filed the petition for rehearing in this Court 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 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

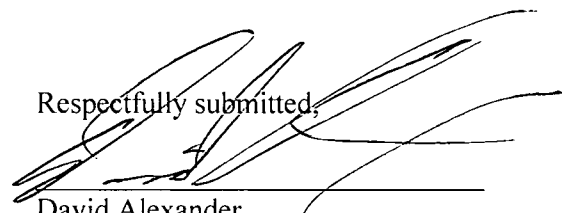
Court on Tuesday, August 20, 2013. Counsel filed the initial reply brief in the case of State v. Steven Kranendonk in this Court on Monday, August 19, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Robert Brown v. State in the Supreme Court on Friday, 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.

3. This request is made in good faith, and not for purposes of delay.

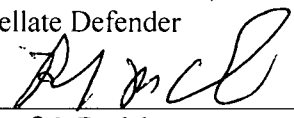
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension until November 7, 2013**, in which to file the initial brief of appellant and designation of matter in this case. Counsel 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.

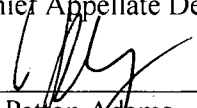
Respectfully submitted,



David Alexander
Appellate Defender



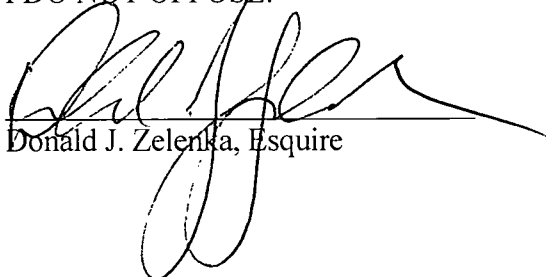
Robert M. Dudek
Chief Appellate Defender



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

October 7, 2013

I DO NOT OPPOSE:



Donald J. Zelenka, Esquire