

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE SUPREME COURT

Certiorari to Lancaster County

RECEIVED

Brooks P. Goldsmith, Circuit Court Judge

OCT - 7 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 **final thirty-day extension, until November 7, 2013**, 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, 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. 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.

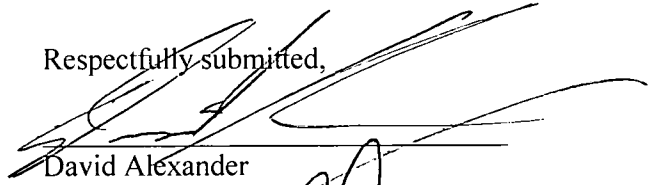
2. Counsel filed the initial reply brief of appellant in the case of State v. Edward M. Dunn in the Court of Appeals on Friday, September 27, 2013. Counsel attended the Public Defender Conference in Myrtle Beach, South Carolina on September 23rd, 24th, and 25th of 2013. Counsel filed the petition for rehearing in this 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 the Court of Appeals 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 this Court. 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.

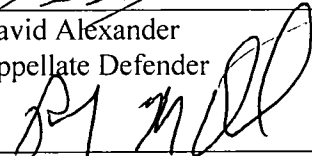
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until November 7, 2013**. 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,



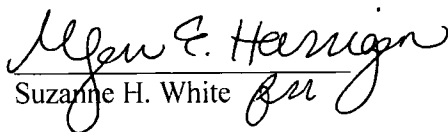
David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

October 7, 2013

I do not oppose:



Suzanne H. White