

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Letitia H. Verdin, Circuit Court Judge

RECEIVED

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ALBERT BRANDEBERRY,

APPELLANT

Appellate Case No. 2012-212841

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

The undersigned counsel respectfully requests a **final thirty day extension, until December 9, 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.
2. Counsel will make every effort to **file this brief next week, long before December 9, 2013**. Counsel's Administrative Coordinator has accepted another position, and counsel had been busy with the task of replacing her. Counsel hired his administrative assistant, Kimberly McCall as the new Administrative Coordinator. However, counsel now must interview applicants this week for the position of Administrative Assistant to the

Chief Appellate Counsel and otherwise. Counsel also will have other restructuring matters in the weeks ahead.

3. Counsel is filing the initial brief of appellant and designation of matter in the case of State v. James Irby in this Court today, November 8, 2013 which involves a very interesting issue. Counsel filed the initial brief of appellant and designation of matter in the case of In the Interest of James F., A Juvenile Under the Age of Seventeen in this Court on November 6, 2013. Counsel filed the initial brief of appellant and designation of matter in case of State v. Lauri Danielle Hollis, a murder case with a merit directed verdict issue, in this Court on November 4, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Thomas Geddie in this Court on October 25, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Daqwan M. Johnson in this Court on October 23, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marion Bowman v. State, a **death penalty case with a 10,000 page appendix** with co-counsel David Alexander and Michael Anzelmo in the Supreme Court on October 18, 2013. On October 16, 2013, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Kendrick Taylor (in the COA) in the Supreme Court, as well as the initial brief of appellant and designation of matter in the case of State v. Don-Survi Chisolm, with co-counsel Lara Caudy, in this Court. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Lewis Addis, Jr. v. State in the Supreme Court on October 4, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Isaiah Marcus Brown in this Court on October 3, 2013. Additionally, on October 3, 2013, Counsel filed the initial reply brief of appellant in the case of State v. Anthony Nation with co-counsel Charles Grose in the Supreme Court. Counsel had an oral argument in the case of State v. George L. Chavis in the Supreme Court on October 2, 2013. Counsel filed the petition for writ

of certiorari and accompanying appendix in the case of George Porterfield v. State in the Supreme Court on September 27, 2013. Counsel also presented at the Public Defender Convention that was held from September 23-25, 2013. Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of State v. Jeffrey Michaelson (in the COA) and Rayshawn Pearson v. State in the Supreme Court on September 18, 2013. 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 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 also has extensive administrative duties as the Chief Appellate Defender.**

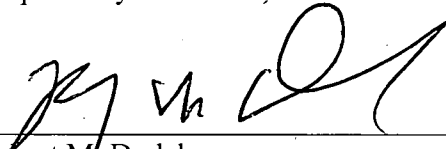
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested. **Counsel is making every effort to use the Appellate Project to become much more current on his very heavy caseload.**

5. As indicated by her 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 December 9, 2013 based upon the extraordinary circumstances listed above. Counsel will make every attempt to file the brief next week and long before December 9, 2013**

if possible. 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,



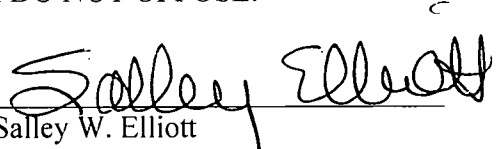
Robert M. Dudek
Chief Appellate Defender



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

November 8, 2013

I DO NOT OPPOSE:



Salley W. Elliott