

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
John C. Hayes, III, Circuit Court Judge

RECEIVED
NOV 22 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

FRED COLE, JR.,

APPELLANT

APPELLATE CASE NO. 2013-001139

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.
2. Counsel is working on and planning to file the initial brief of appellant in the case of State v. Arthur James Buie in this Court today, November 22, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Manual Antonio Marin (in the COA) with co-counsel David Alexander in the Supreme Court yesterday, November 21, 2013. Counsel had an oral argument in the case of State v. Beulah Butler in the Supreme Court

on Wednesday, November 20, 2013. Counsel filed the return to the petition for writ of certiorari in the case of Sharon Smith v. State in the Supreme Court on November 15, 2013. Counsel filed the return to the petition for rehearing in the case of State v. Steven Barnes, a death penalty case in the Supreme Court on November 14, 2013. Counsel had an oral argument in the case of State v. Jamaal Hinson with co-counsel Reid T. Sherard of Nelson Mullins in this Court on November 14, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Irby in this Court on November 8, 2013. 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

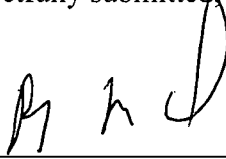
brief of appellant in the case of State v. Anthony Nation with co-counsel Charles Grose in the Supreme Court. Counsel had an oral argument in the case of State v. George L. Chavis in the Supreme Court on October 2, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the 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 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.

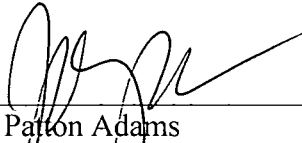
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

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,



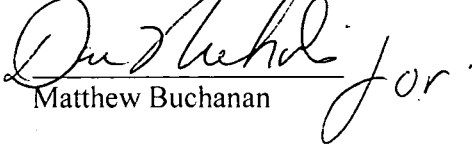
Robert M. Dudek
Chief Appellate Defender



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

November 22, 2013

I DO NOT OPPOSE:



Matthew Buchanan