

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

R. Markley R. Dennis, Jr., Circuit Court Judge

RECEIVED

FEB 10 2014

S.C. Supreme Court

JAMES WAITERS,

RESPONDENT,

V.

STATE OF SOUTH CAROLINA,

PETITIONER

Appellate Case No. 2013-000426

PETITION FOR EXTENSION TO FILE THE
RETURN TO THE PETITION FOR WRIT OF CERTIORARI

The undersigned counsel respectfully requests a thirty day extension in which to file the return to the petition for writ of certiorari in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

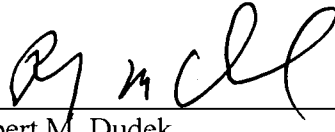
1. The return to the petition for writ of certiorari in this case is due to be served and filed today.
2. Counsel filed an initial brief of appellant in the case of State v. Keith Letmon on February 6, 2014 in the Court of Appeals. Counsel assisted in the preparation for and attended the oral argument in the case State v. Anthony Nation in this Court February 5, 2014. The case was argued by co-counsel Charles Grose. Counsel filed the brief of appellant in the case of State v. William Pou in the Court of Appeals on January 27, 2014. Counsel filed the brief of appellant

in the case of State v. William Pearson in the Court of Appeals on January 24, 2014. Counsel filed the reply brief of appellant in the case of State v. Curtis Simms with co-counsel David Alexander in this Court on January 17, 2014. Counsel filed the return to petition for writ of certiorari in the case of In the Interest of Brandon M., A Juvenile Under the Age of Seventeen on January 14, 2014 in this Court. Counsel filed a reply brief of respondent in the case of State v. John Edward Weik, a death penalty case in this Court on January 10, 2014. Counsel had an oral argument in the case of State v. Michael Rogers in the Court of Appeals on January 7, 2014. Counsel filed the brief of appellant in the case of State v. Curtis Simms in this Court on December 27, 2013. Counsel had an oral argument in the case of State v. Nicholas Brannon on December 16, 2013 in the Court of Appeals. Counsel filed an initial brief of appellant in the case of State v. Albert Brandeberry on December 11, 2013 in the Court of Appeals. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kevin Gunter v. State on November 27, 2013 in this Court. Counsel filed the initial reply brief of appellant in the case of State v. Bobbie McCann in the Court of Appeals on November 26, 2013. Counsel filed the initial brief of appellant in the case of State v. Arthur James Buie in the Court of Appeals on November 22, 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.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the return to the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. M. Dudek", written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

February 10, 2014

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

R. Markley R. Dennis, Jr., Circuit Court Judge

JAMES WAITERS JR.,

RESPONDENT,

V.

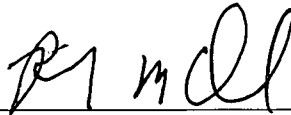
STATE OF SOUTH CAROLINA,

PETITIONER

Appellate Case No. 2013-000426

CERTIFICATE OF SERVICE

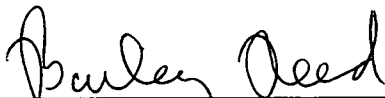
The undersigned attorney hereby certifies that a true copy of the petition for extension to file the return to the petition for writ of certiorari in the above referenced case has been served upon Karen Ratigan, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 10th day of July, 2013.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR RESPONDENT.

SUBSCRIBED AND SWORN TO before me
this 10th day of February, 2014.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 24, 2021