

Original

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County

Roger L. Couch, Special Circuit Court Judge

RECEIVED

APR 27 2012

S.C. Supreme Court

RICHARD BERNARD MOORE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI AND THE ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a thirty day extension, in which to file the petition for writ of certiorari 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 and accompanying appendix in this case are due to be served and filed today **in this death penalty case.**

2. Counsel is filing the initial brief of appellant and designation of matter in State v. Anthony Nation with this Court today, April 27, 2012. Counsel filed the petition for writ of certiorari in Johnny A. Gainey v. State with this Court on April 24, 2012. Counsel filed the return to petition for writ of certiorari in Randy Lee Hill v. State with this Court on April 23, 2012. Counsel filed the brief of petitioner in the death penalty case of Brad Keith Sigmon v. State with this Court on April 20, 2012. Counsel filed the initial brief of appellant and

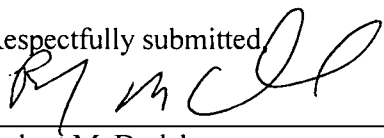
designation of matter in State v. David Lewis with this Court, April 13, 2012. Counsel filed the initial brief of respondent in State v. Robert Jolly #2 with the Court of Appeals on April 6, 2012. Counsel filed the brief of petition in State v. David M. Rocquemore with this Court on April 4, 2012. Counsel had an oral argument on March 29, 2012, in State v. Randy Vickery before the Court of Appeals. Counsel is working on this death penalty case in this case along with co-counsel Susan Barber Hackett. Counsel also is handling the death penalty cases of James Robertson v. State and Marion Lindsey v. State. In addition to the above, counsel has very extensive administrative duties on a daily basis as the Chief Appellate Defender.

Co-Counsel, Susan Hackett, is working on and plans to file the initial brief of appellant and designation of matter in the case of State v. Ladorrean Collington in the Court of Appeals on May 4, 2012, if not sooner. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Adrian J. Robinson v. State in this Court on April 23, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Luzinski Allen Cottrell v. State in this Court on April 19, 2012. Counsel filed the brief of petitioner in the case of James Robinson v. State in the Court of Appeals on April 13, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Elbert Wallace in the Court of Appeals on March 28, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Sasha A. Gaskins with the Court of Appeals on March 23, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Johnson J. Mitchell v. State in this Court on March 9, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Connie Dumas in the Court of Appeals on March 8, 2012. Counsel is also working on this death penalty appeal.

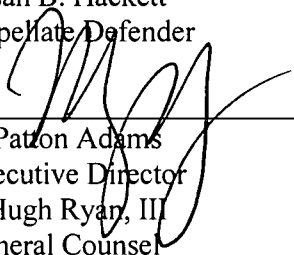
3. As indicated by his consent below, counsel for the state does not oppose this request.

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 would ask this Court to give every consideration to not making this a final extension in this death penalty case given his caseload, and the caseload of co-counsel. Further, counsel is reassigning cases that were handled by Elizabeth Franklin-Best since her last day as an Appellate Defender is Monday, April 30, 2012.**

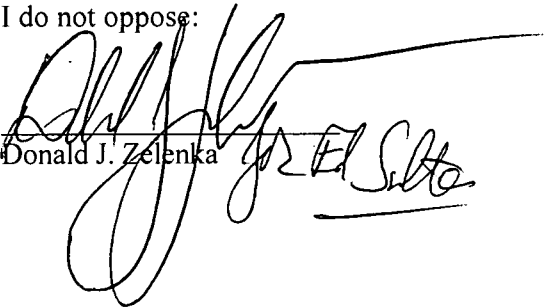
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion. In addition, **Counsel would ask this Court to give every consideration to not making this a final extension in this death penalty case.**

Respectfully submitted,


Robert M. Dudek
Chief Appellate Defender
Susan B. Hackett
Appellate Defender


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

April 27, 2012
I do not oppose:


Donald J. Zelenka