

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

Certiorari to York County
Lee S. Alford, Circuit Court Judge

RECEIVED

AUG 06 2012

S.C. Supreme Court

JAMES ROBERTSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-205909

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

The undersigned counsel respectfully requests a **final thirty day extension, until September 5, 2012**, 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 had back surgery on Wednesday, July 25, 2012**, and is temporarily on medical leave. After a doctor's appointment this morning, counsel expects to return to the office on Thursday, August 9, 2012.

3. Counsel is preparing for the remand hearing in the case of State v. Richard Gagnon scheduled for September 4, 2012 in Horry County. Counsel filed the brief of petitioner in the case of Adams Gibson v. State with this Court on July 23, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Richard Bernard Moore v. State, (capital case) with Co-Counsel Susan Hackett, with this Court on Wednesday, July 18, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Charles E. Copeland v. State with this Court on July 9, 2012. Counsel is currently working on another death penalty case: Marion Alexander Lindsey v. State (with Co-Counsel David Alexander). Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Garvin Duvall (in the COA) with this Court on June 29, 2012. Counsel filed the petition for rehearing in the case of State v. Christopher Heller in the Court of Appeals on June 28, 2012. Counsel had an oral argument in the case of State v. Derrick McDonald in the Court of Appeals on June 19, 2012. Counsel filed the petition for rehearing in the case of State v. Robert S. Jolly in the Court of Appeals on June 15, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Brandon M. with the Court of Appeals on June 13, 2012, arguing a directed verdict of acquittal should be issued. Counsel filed the petition for writ of certiorari in Jerry Buck Inman v. South Carolina with the Supreme Court of the United States on June 11, 2011. Counsel filed the brief of petitioner in the case of State v. Tracy B. with this Court on June 8, 2012. Counsel had an oral argument in the case of State v. Tommy Toomer in the Court of Appeals on June 6, 2012. Counsel filed the brief of appellant in State v. Andre T. Richardson with the Court of Appeals on June 1, 2012.


4. Matt Bogan with Nelson Mullins Riley & Scarborough is co-counsel on this death penalty case.

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

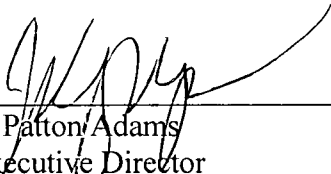
6. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until September 5, 2012**, 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.

Respectfully submitted,



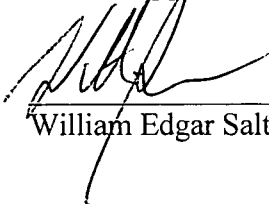
Robert M. Dudek
Chief Appellate Defender



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

August 6, 2012

I do not oppose:



William Edgar Salter, III