

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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CERTIORARI TO YORK COUNTY

Honorable Lee S. Alford, Circuit Court Judge

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**RECEIVED**

DEC 17 2014

Appellate Case No. 2012-205909

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**S.C. SUPREME COURT**

JAMES D. ROBERTSON, SK5067. .... *Petitioner,*

v.

STATE OF SOUTH CAROLINA ..... *Respondent.*

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**PETITION FOR EXTENSION TO  
FILE BRIEF OF PETITIONER  
AND ADDITIONAL COPIES OF APPENDIX**

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The undersigned *pro bono* counsel respectfully request a thirty-day extension of time in which to file the Brief of Petitioner and additional copies of the Appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The Brief of Petitioner and additional copies of the Appendix in this case are due to be filed on December 17, 2014.
2. Undersigned counsel were substituted as counsel of record for the petitioner by Order of this Court dated November 17, 2014.
3. Although preparation of the Petitioner's Brief following this Court's grant of a Petition for Writ of Certiorari typically involves mere refinement of the arguments contained in the

original petition, this case is not the typical case. A significant portion of the Petition for Writ of Certiorari, filed on September 12, 2012, relied upon the United States Supreme Court's then-recent decision in *Martinez v. Ryan*, \_\_\_ U.S. \_\_\_\_, 132 S.Ct. 1309, 182 L.Ed.2d 272 (2012). While the Petition for Writ of Certiorari remained pending before this Court, the case law relevant to *Martinez* continued to develop, and those developments must be researched, considered and, where appropriate, incorporated into Petitioner's Brief.

4. In the past thirty days, Ms. Paavola has filed pleadings before this Court in *Stone v. South Carolina* (a capital PCR appeal) and is preparing to file another pleading by December 17, 2014, in *Winkler v. South Carolina*, also a capital PCR appeal. On December 9, 2014, Ms. Paavola filed extensive objections to the magistrate's report and recommendation in *Alkebulanyahh v. Byars*, a capital habeas corpus case pending in federal court, and she has been handling several other matters and pleadings in this case throughout the month of December. This month, Ms. Paavola filed multiple pleadings in *Wood v. South Carolina*, a capital PCR pending before the circuit court, and has been preparing to argue a motion in this case on December 18, 2014. She also assisted with preparations for oral argument in *Evans v. South Carolina* – argued before this Court on December 9, 2014 – and has been assisting with preparations for arguments in two similar cases (*Binney v. South Carolina* and *Hughey v. South Carolina*), which will be argued before this Court next month. Ms. Paavola has also been working on investigation and preparations for an upcoming evidentiary hearing in *Stanko v. South Carolina* – also a capital PCR.

5. Mr. Weyble has likewise been fully occupied attending to other, pre-existing obligations. As a full-time faculty member at Cornell Law School, he has spent (and continues to spend) the majority of his time carrying out teaching and administrative responsibilities for the semester ending this week, as well as planning and preparing for the coming semester's work.

Additionally, Mr. Weyble serves as *pro bono* counsel for the appellant in *Flowers v. Mississippi*, and is responsible for researching and drafting a substantial portion of a petition for rehearing addressed to a 165 page opinion recently entered by the Mississippi Supreme Court, and due to be filed on January 15, 2015.

6. Due to undersigned counsel's present workload and the complex and unique nature of this case, undersigned counsel reasonably believe that a thirty-day (30) extension of time is necessary for the adequate preparation of the Petitioner's Brief. This request is made in good faith, and not for purposes of delay.

WHEREFORE, the undersigned counsel respectfully request a thirty-day extension of time in which to file the Brief of Petitioner and additional copies of the Appendix in this case.

Respectfully Submitted.

**EMILY C. PAAVOLA**

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BY: Emily C. Paavola  
Counsel for Petitioner (92)

December 16, 2014

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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CERTIORARI TO YORK COUNTY

Honorable Lee S. Alford, Circuit Court Judge

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Appellate Case No. 2012-001968

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JAMES D. ROBERTSON, SK5067. .... *Petitioner,*

v.

STATE OF SOUTH CAROLINA ..... *Respondent.*

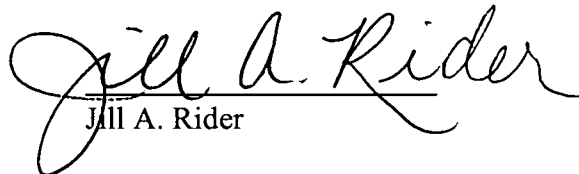
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**CERTIFICATE OF SERVICE**

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The undersigned certifies that a copy of the foregoing Petitioner's Petition for Extension to File Brief of Petitioner and Additional Copies of Appendix was served by first class United States mail, postage prepaid, this 15<sup>th</sup> day of December, 2014, upon the following:

William Edgar Salter  
Assistant Attorney General  
P.O. Box 11549  
Columbia, SC 29211

  
Jill A. Rider