

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

RECEIVED

JAN 29 2015

Certiorari to Colleton County

S.C. Supreme Court

James R. Barber, III, Circuit Court Judge

MELVIN DANIEL,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA,

PETITIONER

APPELLATE CASE NO. 2014-000922

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

The undersigned counsel respectfully requests a thirty day extension, **until March 2, 2015**, 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 is working on and will be filing the petition for rehearing in the case of The State v. Albert Brandeberry with the Court of Appeals today, January 29, 2015. Counsel is also working on and will be filing the initial brief of appellant and designation of matter in the case of The State v. Shedrix Steward with the Court of Appeals tomorrow, January 30, 2015.

Counsel has extensive administrative duties as the Chief Appellate Defender, including

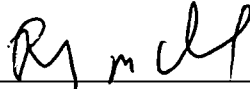
administrative and Appellate Project oversight. Counsel also has been training three new appellate defenders to include reading their briefs and certiorari petitions. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Paul Leslie Cox v. State of South Carolina with this Court on January 28, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Jason A. Bauman with this Court on January 26, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. David Penn with the Court of Appeals on January 23, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Turuk Saunders v. State of South Carolina with this Court on January 21, 2015. Counsel filed the reply to brief in opposition to petition for writ of certiorari filed by the Attorney General's Office on December 31, 2014 in the death penalty case of Bayan Aleksey v. State of South Carolina with the United States Supreme Court on January 15, 2015. Counsel attended the Commission's Budget, Ways and Means Subcommittee Meeting on January 14, 2015. Counsel filed the brief of appellant pursuant to White v. State in the case of John William Dixon v. State of South Carolina with this Court on January 13, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix and supplemental appendix in the case of John William Dixon v. State of South Carolina with this Court on January 13, 2015. Counsel filed the initial brief of appellant and designation of matter (7 issues and 111 pages) in the death penalty case of The State v. Ricky Lee Blackwell with this Court on January 8, 2015. Counsel filed the petition for rehearing in the case of The State v. Victor Weldon with the Court of Appeals on December 31, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Torren Marquize Eady with the Court of Appeals on December 22, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Rodney Thompson v. State of South Carolina with this Court on December 19, 2014. Counsel filed the brief of petitioner in the case of The State v. Charles Monroe Harris with this Court on December 18, 2014. Counsel filed the

initial brief of appellant and designation of matter in the case of The State v. Martha Elizabeth Hale with the Court of Appeals on December 16, 2014. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Marcus Greene with the Court of Appeals on December 12, 2014. Counsel had an oral argument in the case of The State v. Derrick McDonald before this Court on December 11, 2014. Counsel also filed the brief of petitioner in the case of The State v. South Carolina v. Manuel Marin with co-counsel David Alexander with this Court on December 11, 2014. Counsel had an oral argument in the case of Michael D. Hall v. State of South Carolina, et al. before this Court on December 9, 2014. Counsel had an oral argument in the case of Michael A. Hough v. The State which he assisted Appellate Defender Lara Caudy in preparing to argue for him before the Court of Appeals on December 8, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tommy Toomer v. State of South Carolina with this Court on December 8, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Laborse Macon with the Court of Appeals on December 5, 2014. Counsel filed the petition for writ of certiorari in the case of The State v. Michael Rogers with this Court on December 4, 2014. Counsel filed the petition for writ of certiorari in the case of The State v. Jefferson Perry with this Court on December 4, 2014. Counsel filed the petition for writ of certiorari in the case of The State v. Anthony K. Blakney with this Court on December 4, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ryan P. Deleston with the Court of Appeals on December 3, 2014. Counsel filed the petition for rehearing in the case of The State v. Antonio Miller with the Court of Appeals on December 1, 2014.

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, **until March 2, 2015**, in which to file the return to the petition for writ of certiorari. 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,



Robert M. Dudek
Chief Appellate Defender

January 29, 2015

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Colleton County

James R. Barber, III, Circuit Court Judge

MELVIN DANIEL,

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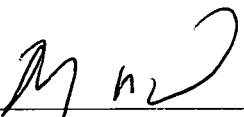
STATE OF SOUTH CAROLINA,

PETITIONER

APPELLATE CASE NO. 2014-000922

CERTIFICATE OF SERVICE

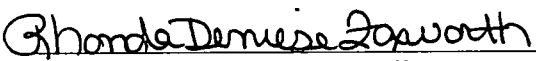
The undersigned attorney hereby certifies that a true copy of the petition for extension to file the return to the petition for writ of certiorari in the above referenced case has been served upon Ashleigh R. Wilson, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 29th day of January, 2015.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR RESPONDENT.

SUBSCRIBED AND SWORN TO before me
this 29th day of January, 2015.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 24, 2021 .