

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Charleston County

J.C. Buddy Nicholson Jr., Circuit Court Judge

RECEIVED

AUG 22 2012

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GREGORY GATHERS,

APPELLANT

Appellate Case No. 2011-203951

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Gregory Gathers respectfully requests an extension of thirty (30) days in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today, August 22, 2012. The Court has granted counsel two previous extensions.

2. Counsel for Mr. Gathers respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. On August 17, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Christopher J. Hickman v. State with the Supreme Court. On August 15, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Brian Powell v. State with the Supreme Court; and filed the Anders brief and record on appeal in State v. Mitchell Rivers with this Court. On August 10, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in John P. Hendrix v. State with the Supreme Court. On July 31, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Victor C. Penny v. State with the Supreme Court. On July 23, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Nathaniel Suber v. State with the Supreme Court. On July 23, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Thurston M. Bolton v. State with the Supreme Court. On July 12, 2012, counsel filed the motion to remand for record reconstruction in James Randolph Frady v. State with the Supreme Court. On June 29, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Alonzo Harvin v. State with the Supreme Court. On June 29, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Herbert Causey in this Court. On June 25, 2012 counsel filed the initial brief of appellant in State v. Vincent Lomelli in this Court. On June 22, 2012, counsel filed the initial brief of appellant and designation of matter in State v. William Ross in this Court. On June 15, 2012 counsel filed the initial brief of appellant in State v. Joseph Davis in this Court. On June 14, 2012, counsel filed the Anders brief of appellant and record on appeal in the case of State v. Jeffrey Riebe with this Court. On June 8-10, 2012, counsel attended a seminar at the Supreme Court Advocacy Institute for continuing legal education in New York, NY. On June 7, 2012, counsel had an oral argument in the case of State v. Jason Black in the Supreme Court. On June 5, 2012, counsel had an oral argument in the case of State v. David Meggett in the Court of Appeals and filed the Anders brief of appellant and record on appeal in the case of State v.

Marvin B. Green. On June 1, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Christopher Murray in this Court.

4. Counsel makes this request in good faith and not for purpose 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.

5. Counsel for the Attorney General's office consents to this request shown by his signature below.

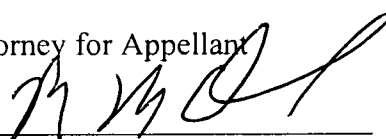
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Breen R. Stevens
Appellate Defender

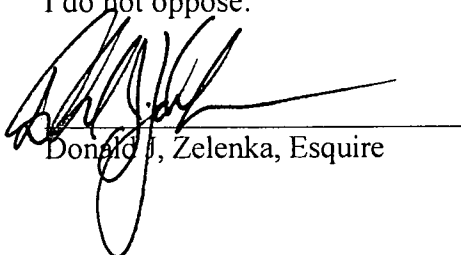
Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender

This August 22, 2012.

I do not oppose:



Donald J. Zelenka, Esquire