

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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ORIGINAL

Appeal from Berkeley County

Deadra L. Jefferson, Circuit Court Judge

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RECEIVED  
AUG 22 2012  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TITO HARRIS,

APPELLANT

Appellate Case No. 2011-190108

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PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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The undersigned counsel respectfully requests a **final thirty day extension, until September 21, 2012**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.

2. **Counsel had back surgery on July 25, 2012. Counsel returned to work on Monday, August 13, 2012, but is continuing to have complications from the back surgery.**

3. Counsel is preparing for the remand hearing in the case of State v. Richard Gagnon scheduled for September 4, 2012 in Horry County, with several travel dates involved in preparation for the hearing. In addition, **Counsel is currently working on two death penalty**

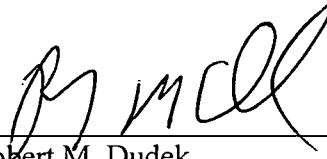
cases: Marion Alexander Lindsey v. State (with Co-Counsel David Alexander) and James Robertson v. State (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm). Counsel filed the brief of petitioner in the case of Adams Gibson v. State with the Supreme Court on July 23, 2012. Counsel filed 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 the Supreme 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 the Supreme Court on July 9, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Garvin Duvall (in the COA) with the Supreme Court on June 29, 2012. Counsel filed the petition for rehearing in the case of State v. Christopher Heller with this Court on June 28, 2012. Counsel had an oral argument in the case of State v. Derrick McDonald in this Court on June 19, 2012. Counsel filed the petition for rehearing in the case of State v. Robert S. Jolly with this Court on June 15, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Brandon M. with this Court 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 the Supreme Court on June 8, 2012. Counsel had an oral argument in the case of State v. Tommy Toomer in this Court on June 6, 2012. Counsel filed the brief of appellant in State v. Andre T. Richardson with this Court on June 1, 2012.

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.

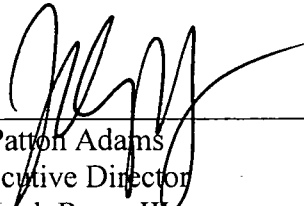
5. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until September 21, 2012**. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



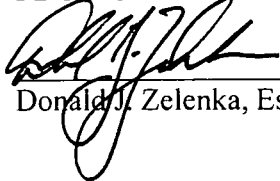
Robert M. Dudek  
Chief Appellate Defender



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

August 22, 2012

I DO NOT OPPOSE:



Donald J. Zelenka, Esquire