

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

John C. Hayes, III, Circuit Court Judge

RECEIVED
AUG 23 2012

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

DAVONTAY HENSON,

APPELLANT

Appellate Case No. 2011-204008

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

The undersigned counsel would respectfully request a **final** thirty-day extension 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 exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by four prior orders of this Court.

2. Counsel is preparing to file the Anders brief of appellant and record on appeal in the case of State v. Joseph Graddick in this Court by August 28, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Derringer Young in this Court on August 16, 2012. Counsel participated in the

reconstruction hearing in the case of Tonnie Baldwin v. State on August 16, 2012 in Bamberg, South Carolina before the Honorable Doyet A. Early, III. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Kendrick Littlejohn in this Court on August 15, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Joseph Jennings v. State in the Supreme Court on August 9, 2012. Counsel filed the return to the petition for writ of certiorari in the case of State v. Bentley Collins in the Supreme Court on July 30, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James D. Chapman in this Court on July 25, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Marshall D. McGaha in this Court on July 23, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix with Chief Appellate Defender Robert M. Dudek, in the capital case of Richard Bernard Moore v. State in the Supreme Court on July 18, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Andre D. Johnson v. State in the Supreme Court on July 9, 2012. Counsel filed the petition for writ of certiorari in the case of Eric Joshua Turner v. State in the Supreme Court on June 28, 2012. Counsel filed the Petition for Rehearing in the case of State v. Thomas Smart in this Court on June 28, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix for Gene W. Hall v. State in the Supreme Court on June 22, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix for Drew John Monahan v. State in the Supreme Court on June 15, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jonta Green in this Court on June 7, 2012. Counsel filed the petition for writ of certiorari and

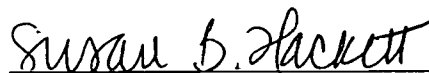
accompanying appendix and brief of appellant pursuant to White v. State in the case of Courtney Sease v. State in the Supreme Court on June 5, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robert Terrance Hooker in this Court on June 1, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Robdrecko Andray Niles v. State in the Supreme Court on May 30, 2012.

3. This request is made in good faith, and not for purposes of delay.

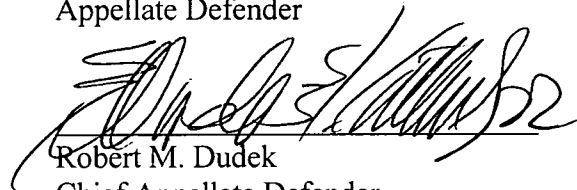
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final** thirty-day extension in which to file the initial brief of appellant and designation of matter in this case. Counsel 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.

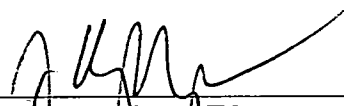
Respectfully submitted,



Susan B. Hackett
Appellate Defender



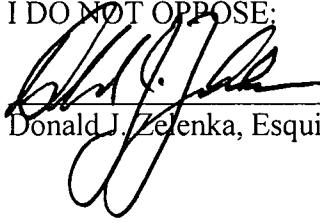
Robert M. Dudek
Chief Appellate Defender



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

August 23, 2012

I DO NOT OPPOSE:

A handwritten signature in black ink, appearing to read "Donald J. Zelenka", written over a horizontal line.

Donald J. Zelenka, Esquire