

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE COURT OF APPEALS

Appeal from Williamsburg County

Clifton Newman, Circuit Court Judge

**RECEIVED**

AUG 27 2012

RESPONDENT **SC Court of Appeals**

THE STATE,

V.

TAWANDA ALLEN,

APPELLANT

Appellate Case No. 2010-172506

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

The undersigned counsel respectfully requests a **final thirty-day extension, until September 26, 2012**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. **Counsel intends to file the brief and designation tomorrow, August 28, 2012, but is asking for thirty days per the Court's request that all extension requests reflect the standard thirty days.** 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 August 13, 2012, but has had on-going complications from the surgery.**

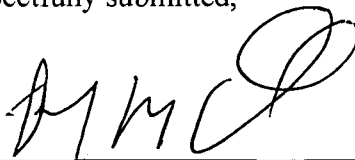
3. Counsel is preparing for the remand hearing in the case of State v. Richard Gagnon scheduled for September 4, 2012 in Horry County, with several travel dates involved in preparation for the hearing. In addition, **Counsel is currently working on two death penalty cases:** Marion Alexander Lindsey 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 is filing the initial brief of appellant and designation of matter in the case of State v. Robert Jolly with this Court today, August 27, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Anthony Wade with the Supreme Court on August 23, 2012. Counsel is preparing for the remand hearing in the case of State v. Richard Gagnon scheduled for September 4, 2012 in Horry County. 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 in 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 in this Court on June 15, 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.

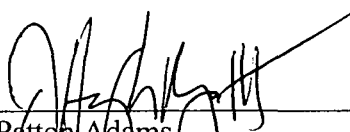
WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until September 26, 2012. Counsel intends to file the brief and designation tomorrow, August 28, 2012.** Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

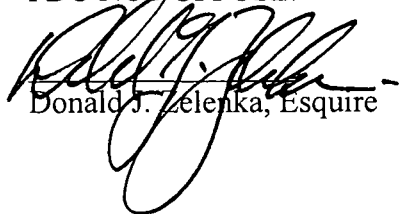


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T. Patton Adams  
Executive Director  
J. Hugh Ryan, III  
General Counsel

August 27, 2012

I DO NOT OPPOSE:



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Donald J. Zelenka, Esquire