

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to York County  
Lee S. Alford, Circuit Court Judge  
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ORIGINAL

RECEIVED

SEP 05 2012

SC Court of Appeals

JAMES ROBERTSON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RECEIVED

SEP 06 2012

RESPONDENT

S.C. Supreme Court

Appellate Case No. 2012-205909  
\_\_\_\_\_

PETITION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI AND  
ACCOMPANYING APPENDIX  
\_\_\_\_\_

The undersigned counsel respectfully requests a **final nine-day extension, until September 14, 2012**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today **in this death penalty case**.
2. Counsel had a remand hearing yesterday, September 4, 2012, in State v. Richard Gagnon, on a motion for a new trial based on after-discovered evidence in that murder case in Conway, South Carolina. Extensive preparation for that hearing has prevented counsel from filing this petition for writ of certiorari and accompanying

**appendix. Additionally, Counsel had back surgery on July 25, 2012. Counsel is continuing to have complications from the back surgery.** Counsel regrets having to request this extension but it is based on extraordinary circumstances – more of which follow.

3. Counsel is preparing to file the petition for writ of certiorari and accompanying appendix in another death penalty case, Marion Alexander Lindsey v. State (with Co-Counsel David Alexander), due this Friday, September 7, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robert Jolly with the Court of Appeals on August 27, 2012. Counsel is filing the initial brief of appellant and designation of matter in the case of State v. Anthony Wade with this Court on August 23, 2012. Counsel filed the brief of petitioner in the case of Adams Gibson v. State with this 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 this 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 this Court on July 9, 2012. In June, 2012, Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of State v. Garvin Duvall (in the COA) with this court, and Jerry Buck Inman v. South Carolina with the Supreme Court of the United States. Additionally, Counsel filed the initial brief of appellant and designation of matter in State v. Brandon M. and the brief of appellant in State v. Andre T. Richardson, as well as the petitions for rehearing in the cases of State v. Christopher Heller and State v. Robert S. Jolly, and the brief of petitioner in the case of State v. Tracy B. Counsel had oral arguments in the cases of State v. Derrick McDonald and State v. Tommy Toomer in June, 2012, as well.

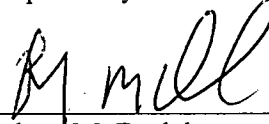
4. Matt Bogan with Nelson Mullins Riley & Scarborough is co-counsel on this death penalty case.

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

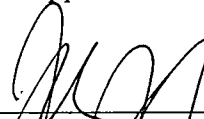
6. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a **final nine-day extension, until September 14, 2012**, in which to file the petition for writ of certiorari and accompanying appendix. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



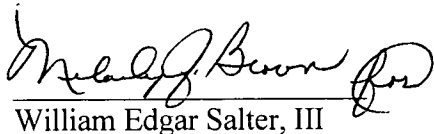
Robert M. Dudek  
Chief Appellate Defender



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

September 5, 2012

I do not oppose:



William Edgar Salter, III