

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Edgefield County

R. Knox McMahon, Circuit Court Judge

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SEP 06 2012

S.C. Supreme Court

THE STATE,

RESPONDENT,

v.

STEVEN BARNES,

APPELLANT

Appellate Case No. 2010-178247

PETITION FOR EXTENSION TO FILE
THE REPLY TO THE INITIAL BRIEF OF RESPONDENT

The undersigned counsel respectfully requests a ten-day extension in which to file the reply to the initial brief of respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The reply to the initial brief of respondent is due to be served and filed today in this **death penalty case**.


2. Counsel is filing the petition for rehearing in the case of State v. Randy Vickery with the Court of Appeals today, September 6, 2012. Counsel had a remand hearing on 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. In addition, Counsel is currently working on two other death penalty cases: the petition for writ of certiorari and accompanying appendix in the case of Marion Alexander Lindsey v. State (with Co-Counsel David Alexander) will be filed tomorrow, September 7, 2012, and the petition for writ of certiorari and accompanying appendix in the case of James Robertson v. State (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm) will be filed next Friday, September 14,

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 filed 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 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) 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.

3. 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 ten-day extension. Counsel respectfully requests that the time limits for filing the reply to the initial brief of respondent be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

September 6, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Edgefield County

R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

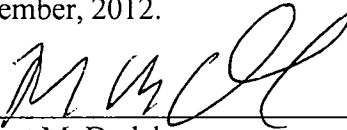
V.

STEVEN BARNES,

APPELLANT

CERTIFICATE OF SERVICE

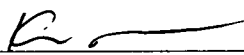
The undersigned attorney hereby certifies that a true copy of the petition for extension to file the reply to the initial brief of respondent in the above referenced case has been served upon Melody J. Brown, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 6th day of September, 2012.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT.

SUBSCRIBED AND SWORN TO before me
this 6th day of September, 2012.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: October 2, 2013.