

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

J. C. Buddy Nicholson, Jr., Circuit Court Judge

ORIGINAL
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SC Court of Appeals

THE STATE,

RESPONDENT,

v.

DERELL GREEN,

APPELLANT

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

The undersigned counsel respectfully requests a 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 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 is filing the petition for rehearing in the case of State v. Randy Vickery with this Court 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 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

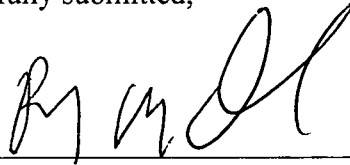
of James Robertson v. State (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm) will be filed next Friday, September 14, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robert Jolly with this Court on August 27, 2012. Counsel filed the 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 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 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. 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.

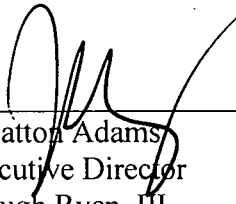
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. 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,



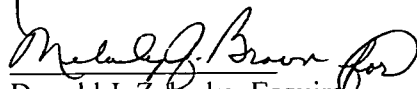
Robert M. Dudek
Chief Appellate Defender



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

September 6, 2012

I DO NOT OPPOSE:



Donald J. Zelenka, Esquire