

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Greenville County

G. Edward Welmaker, Circuit Court Judge

RECEIVED

SEP 20 2012

THE STATE,

RESPONDENT, **SC Court of Appeals**

V.

TREMAIN O. DAVIS,

APPELLANT

Appellate Case No. 2011-205209

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 has an oral argument in the case of State v. Miama Kromah in the Supreme Court today, September 20, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the **death penalty** case of James Robertson v. State (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm) with the Supreme Court on September 14, 2012. Additionally, Counsel filed the reply to the brief of respondent in the **death penalty** case of Brad Sigmon v. State in the Supreme Court, as well as the initial briefs of

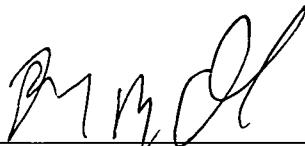
appellant and designations of matter in the cases of State v. George Chavis and State v. Michael Rogers in this Court on September 14, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tobias Chano Lee v. State with the Supreme Court on September 12, 2012. Counsel had an oral argument in the case of State v. Kendrick Taylor in this Court on September 11, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the **death penalty** case of Marion Alexander Lindsey v. State (with Co-Counsel David Alexander) with the Supreme Court on September 7, 2012. Counsel filed the petition for rehearing in the case of State v. Randy Vickery with this Court on 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. 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. In July, 2012, Counsel filed the brief of petitioner in the case of Adams Gibson v. State, 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, and the petition for writ of certiorari and accompanying appendix in the case of Charles E. Copeland v. State.

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.

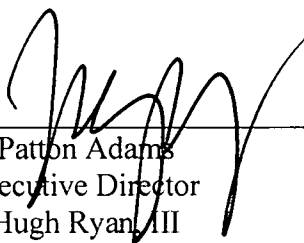
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

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,



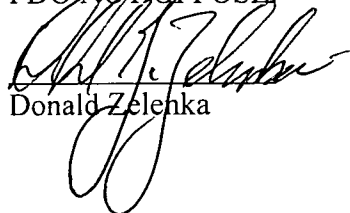
Robert M. Dudek
Chief Appellate Defender



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

September 20, 2012

I DO NOT OPPOSE:



Donald Zelenka