

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
J.C. Buddy Nicholson, Circuit Court Judge

RECEIVED
SEP 21 2012
RESPONDENT,
COURT OF APPEALS

THE STATE,

v.

GREGORY GATHERS,

APPELLANT

APPELLATE CASE NO. 2011-203951

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Gregory Gathers respectfully requests an extension of thirty (30) days in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court September 21, 2012. The Court has granted counsel three previous extensions.
2. Counsel for Mr. Gathers respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.
3. On September 21, 2012, counsel has filed the Brief of appellant and designation of matter in State v. Demetrius Smalls with this Court. On September 18, 2012, counsel has filed the Brief of appellant and designation of matter in State v. Troy Terrell Baxter with this Court. On September 14, 2012, counsel has filed the Brief of appellant and designation of matter in State v. Perry Bernard Buchanan with this Court. On

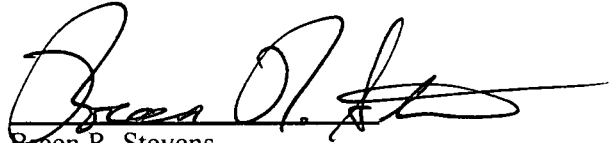
September 12, 2012 counsel filed a Brief in State v. Chestnut with this Court. On September 12, 2012 counsel had oral arguments in State v. Samuel L. McNeil and State v. Timothy O. Chandler with this Court. On September 7, 2012, counsel filed the return to petition for certiorari in Troy Robinson v. State with the Supreme Court. On August 30, 2012, counsel filed the petition for rehearing in State v. Clifford Wylie with the Supreme Court. On August 24, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Dustin Tiller v. State with the Supreme Court. August 16, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Christopher J. Hickman v. State with the Supreme Court. On August 15, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Brian Powell v. State with the Supreme Court and filed the brief and record on appeal in State v. Mitchell Rivers with this Court. On August 10, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in John P. Hendrix v. State with the Supreme Court. On July 31, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Victor C. Penny v. State with the Supreme Court. On July 23, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Nathaniel Suber v. State with the Supreme Court. On July 23, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Thurston M. Bolton v. State with the Supreme Court. On July 12, 2012, counsel filed the motion to remand for record reconstruction in James Randolph Frady v. State with the Supreme Court. On June 29, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Alonzo Harvin v. State with the Supreme Court. On June 29, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Herbert Causey with this Court. On June 25, 2012 counsel filed a brief of appellant and record on appeal in State v. Vincent Lomelli with this Court. On June 22, 2012, counsel filed the initial brief of appellant and designation of matter in State v. William Ross with this Court.

4. Counsel makes this request in good faith and not for purpose 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. Counsel for the Attorney General's office consents to this request shown by signature below.

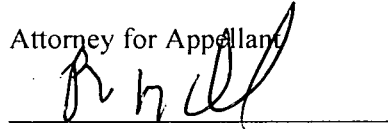
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

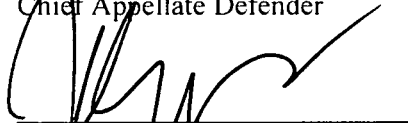


Breen R. Stevens
Appellate Defender

Attorney for Appellant



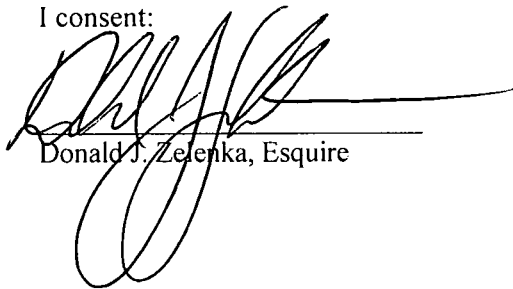
Robert M. Dudek
Chief Appellate Defender



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

This 21st day of September, 2012.

I consent:



Donald J. Zelenka, Esquire