

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE SUPREME COURT

Appeal from Edgefield County

RECEIVED

R. Knox McMahon, Circuit Court Judge

SEP 27 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 **final ten-day extension, until October 8, 2012**, 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**. Counsel intended the last extension to be the final extension, but attending and presenting at the annual South Carolina Public Defender’s Conference prevented counsel from preparing the reply for filing today. Counsel apologizes for the need to ask for this final ten-day extension in which to file the reply brief in this case.

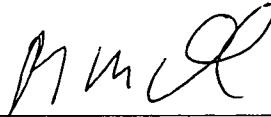
2. Counsel is filing the petition for rehearing in the case of State v. Derrick McDonald in the Court of Appeals today, September 27, 2012. Counsel attended the annual

South Carolina Public Defender's Conference September 24-26. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tawanda Allen in the Court of Appeals on September 21, 2012. Counsel had an oral argument in the case of State v. Miama Kromah in this Court on 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 this 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 this 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 the Court of Appeals 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 this Court on September 12, 2012. Counsel had an oral argument in the case of State v. Kendrick Taylor in the Court of Appeals 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 this Court on September 7, 2012. Counsel filed the petition for rehearing in the case of State v. Randy Vickery with the Court of Appeals 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 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. 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.

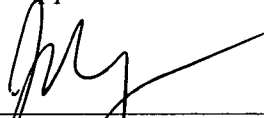
WHEREFORE, the undersigned counsel would respectfully request a **final ten-day extension, until October 8, 2012**. Counsel respectfully requests that the time limits for filing the reply to the initial brief of respondent be held in abeyance pending a ruling on this motion.

Respectfully submitted,



---

Robert M. Dudek  
Chief Appellate Defender

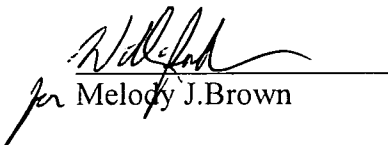


---

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

September 27, 2012

I DO NOT OPPOSE:



---

per Melody J. Brown