

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Charleston County
Deadra L. Jefferson, Circuit Court Judge

HERBERT L. MATTHEWS,

S.C. Supreme Court
PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR
WRIT OF CERTIORARI AND APPENDIX

Counsel for Herbert Matthews respectfully requests a **final extension of thirty (30) days until May 28, 2012** in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a final request for an extension. In support of this request, counsel shows:

- (1) The petition for writ of certiorari and appendix are due to be served and filed today. The Court has granted two previous extensions.
- (2) Counsel for Mr. Matthews 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 her caseload, counsel hopes that no further extension requests will be required.
- (3) On April 25, 2012, counsel had an oral argument in the case of State v. Bennie Mitchell in the Court of Appeals. On April 23, 2012, counsel filed the petition for writ of

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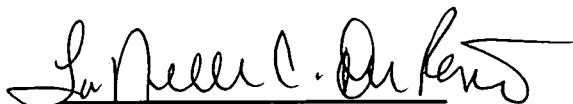
certiorari and appendix in the case of Phillip Byrd v. State. On April 18, 2012, counsel had an oral argument in the case of State v. K.C. Langord and Bryan Phillips in this Court. On April 13, 2012, counsel filed the brief of petitioner in the case of State v. Marques Hudson and the petition for writ of certiorari to the Court of Appeals and appendix in the case of State v. Tarus Henry. On April 12, 2012, counsel filed the Motion to Remand for Reconstruction of the Record in the case of State v. Dameon Myers, the petition for rehearing in the case of State v. Dominic Legette, and the petition for writ of certiorari and appendix in the case of Antwan Jones v. State. On April 10, 2012, counsel had an oral argument in the case of State v. Kevin Hardy in the Court of Appeals. On April 6, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Trey Williams. On April 4, 2012, counsel filed the brief of petitioner in the case of State v. Jeffery Evans, the petition for writ of certiorari and appendix in the case of Janice Clasby v. State and the petition for rehearing in the case of State v. Joel Robinson. On March 28, 2012, counsel filed the petition for writ of certiorari, the Johnson petition for writ of certiorari pursuant to Austin v. State and appendix in the case of Donald Hulon v. State and the initial brief of appellant and designation of matter in the case of State v. Eric Spratt. On March 22, 2012, counsel filed the petition for rehearing in the case of State v. Shane Epting. On March 19, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Clarence Logan and the petition for writ of certiorari, the Johnson petition for writ of certiorari pursuant to Austin v. State and appendix in the case of Jerry Galbreath v. State. On March 14, 2012, counsel had an oral argument in the case of State v. Cameron Hammonds in the Court of Appeals. On March 13, 2012, counsel had an oral argument in the case of State v. Bennie Golston in the Court of Appeals. On March 8, 2012,

counsel filed the petition for rehearing in the cases of State v. Andre Massey and State v. Jake Wilson. On March 7, 2012, counsel had an oral argument in the case of In the Matter of the Care and Treatment of Bobby Manigo in this Court. On March 6, 2012, counsel had an oral argument in the case of State v. Patrick Herb in 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 as shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final extension of thirty (30) days until May 23, 2012** in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances.

Respectfully submitted,



LaNelle C. Durant
Appellate Defender

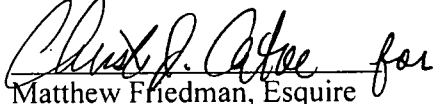
Attorney for Petitioner



Robert M. Dudek
Chief Appellate Defender

This 27th day of April, 2012

I Consent:



Matthew Friedman, Esquire