

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Orangeburg County

Edgar W. Dickson, Circuit Court Judge

RECEIVED

OCT - 5 2012

S.C. Supreme Court

RICHARD BUTLER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-208628

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI AND
ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a **final thirty day extension, until November 5, 2012**, in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.
2. Counsel had an oral argument in the **death penalty** case of State v. Stephen Christopher Stanko in this Court yesterday, October 4, 2012. Counsel also filed the petition for rehearing in the case of State v. Dadrin Jerome Johnson in the Court of Appeals yesterday, October 4, 2012. Counsel had an oral argument in the case of State v. Christopher Stephens in

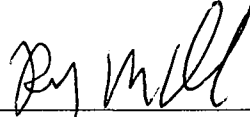
the Court of Appeals on October 3, 2012. Counsel filed the petition for rehearing in the case of State v. Derrick McDonald in the Court of Appeals on September 27, 2012. Counsel attended and presented at the annual South Carolina Public Defender's Conference September 24-26. Counsel filed the initial 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 the Supreme Court on August 23, 2012. Counsel also has extensive administrative duties as the Chief Appellate Defender.

3. As indicated by her consent below, counsel for the state does not oppose this request.

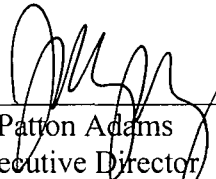
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until November 5, 2012**, in which to file the petition for writ of certiorari and accompanying appendix. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



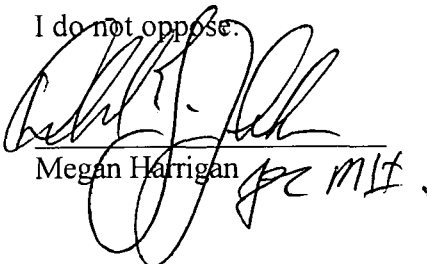
Robert M. Dudek
Chief Appellate Defender



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

October 5, 2012

I do not oppose.



Megan Harrigan