

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Kristi Lea Harrington, Circuit Court Judge

**ORIGINAL
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OCT 08 2012
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CLARENCE J. FISHBURNE,

APPELLANT

APPELLATE CASE NO. 2011-20366

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

Counsel for Clarence J. Fishburne petitions the Court for a thirty day extension in which to file the initial brief of appellant and designation of matter in this case. In support of this petition, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. This is the fourth extension for Mr. Fishburne.
2. Counsel for Mr. Fishburne respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Counsel understands that in the previous extension request, she indicated that would be a final, however, 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. Counsel filed the petition for writ of certiorari and accompanying appendix in Archie Hoover v. State on October 4, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Terrance Gist v. State on October 1, 2012. Counsel attended the South Carolina Public Defender's Conference during the week of September 24, 2012. On September 21, 2012, counsel filed the petitions for writ of certiorari to the Court of Appeals in State v. Hazard Cameron and State v. Eddie Simmons; counsel will also filed the petition for writ of certiorari and accompanying appendix in Carmen Rice v. State. Counsel filed the petition for rehearing in State v. Demetrius Price on September 20, 2012. On September 19, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Yates Walter Wyant. Counsel filed the initial brief of appellant and designation of matter in State v. Gervais Edmonds on September 10, 2012. Counsel is also argued the case State v. Larry Brayboy in this Court on September 10, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Korrell Battle v. State on September 4, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Todd Smith on August 30, 2012. Counsel filed a petition for rehearing in State v. John Campbell on August 23, 2012. The initial brief of appellant and designation of matter in State v. John Bostic were filed on August 22, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Timothy Cobb on August 15, 2012. Counsel filed initial brief of appellant and designation of matter in State v. Breyon Toney on August 8, 2012. On August 6, 2012, counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Mike Salley and the briefs of petitioner in Gregory McHam v. State and Timothy Wallace v. State.

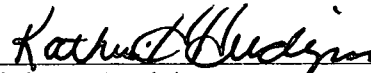
4. Counsel has not had time to complete the initial brief of appellant and designation of matter in this case. As a result, counsel respectfully asks this Court for a thirty day extension in which to file the initial brief of appellant and designation of matter. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

5. As indicated by signature below, Salley Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

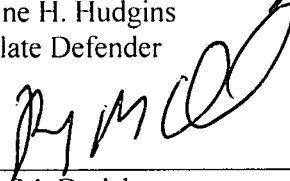
6. Counsel makes this request in good faith and not for purposes of delay.

Counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above circumstances.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellant Defender



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

October 8, 2012

I do not oppose:



Salley Elliott