

 ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Beaufort County  
Carmen T. Mullen, Circuit Court Judge  
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RECEIVED

OCT 23 2012

Opinion No. 2011-UP-140 (S.C. Ct. App. filed 4/5/2011)  
07-GS-07-00927  
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S.C. Supreme Court

(3)

THE STATE,

RESPONDENT,

V.

PARIS AVERY,

PETITIONER.

APPELLATE CASE NO. 2011-194506

\_\_\_\_\_  
PETITION FOR EXTENSION TO FILE  
BRIEF OF PETITIONER AND ACCOMPANYING  
APPENDIX  
\_\_\_\_\_

The undersigned counsel respectfully requests a **final thirty-day extension (from October 26, 2012), until November 26, 2012** in which to file the brief of petitioner 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 from the Court of Appeals and accompanying appendix in this case are due to be served and filed **Friday, October 26, 2012**.

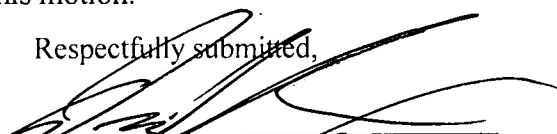
2. The petition for writ of certiorari in Kenji Manning v. State was filed with this Court on October 22, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Vincent Neumon v. State in this Court on October 15, 2012.

Counsel filed the petition for writ of certiorari and accompanying appendix in this Court in David Fowler v. State on October 11, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Tippy Marie Retana v. State in this Court on October 10, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Kendall Green v. State in this Court on October 5, 2012. Counsel had oral argument in the Court of Appeals in the case of Ernest Pressley v. State on October 2, 2012. Counsel attended the South Carolina Public Defenders Conference during the week of September 24, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Bobby Shey Rathburn v. State with this Court on September 19, 2012. On September 12, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Gary White v. State with this Court. Counsel filed the petition for writ of certiorari and accompanying appendix in Marion Alexander Lindsey, a capital appeal in this Court, on September 7, 2012.

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.

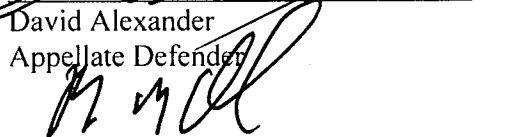
WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension (from October 26, 2012), until November 26, 2012**. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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David Alexander  
Appellate Defender

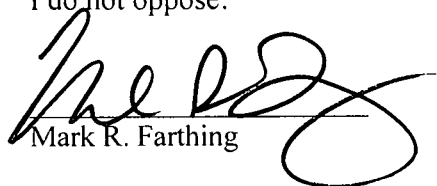


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Robert M. Dudek  
Chief Appellate Defender

October 23, 2012

I do not oppose:



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Mark R. Farthing