

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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OCT 29 2012

Appeal from Richland County
Alison Renee Lee, Circuit Court Judge

S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

ALIRIO ORTIZ,

APPELLANT

APPELLATE CASE NO. 2012-211933

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

Counsel for Alirio Ortiz petitions the Court for a **final one week extension, until November 5, 2012** 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. Ortiz.

2. Counsel for Mr. Ortiz respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel recognizes that the previous extension for this case was a final extension; however, counsel has been unable to complete this initial brief of appellant and designation of matter. Counsel acknowledges that a fourth extension request for an initial brief of appellant and designation of matter is in contradiction**

to the rules of this Court. In addition to the filings made below, this particular case involves an appeal from the trial judge's ruling that the appellant was not entitled to immunity based on the Protection of Person and Property Act, S.C. Code §16-11-410, et seq. The case raises five novel issues in regard to interpretation of the Act. Counsel seeks additional time to thoroughly research the issues presented.

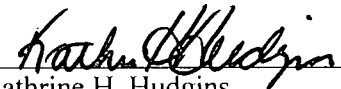
3. Counsel filed the initial brief of appellant and designation of matter in State v. Antrell Felder and the brief of respondent in Cazario Marshall v. State on October 22, 2012. Counsel filed the petitions for writ of certiorari and accompanying appendices in William Cornish v. State and Wiley Post James v. State on October 8, 2012. 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 file 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.

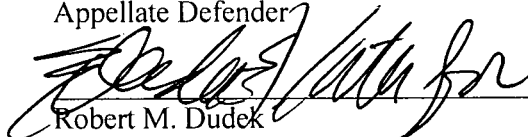
4. Counsel has not had time to complete the initial brief of appellant and designation of matter in this case. As a result, counsel respectfully asks this Court for a **final one week extension, until November 5, 2012** in which to file the initial brief of appellant and designation of matter. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

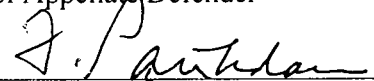
5. Counsel makes this request in good faith and not for purposes of delay.

Counsel respectfully requests a **final one week extension until November 5, 2012**, in which to file the initial brief of appellant and designation of matter in this case based upon the above circumstances.

Respectfully submitted,

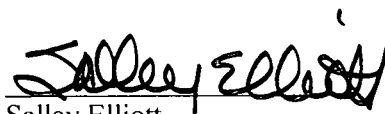

Kathrine H. Hudgins
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


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

October 29, 2012

I do not oppose:


Salley Elliott