

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Newberry County

Frank R. Addy, Circuit Court Judge

RECEIVED

MAY - 9 2012

S.C. Supreme Court

JAMES WILLIE ELKINS, JR.,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

(2)

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

The undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by one prior order of this Court.

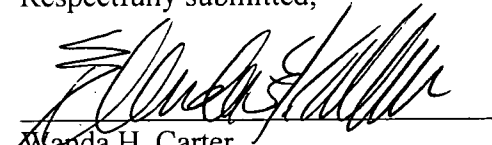
2. Counsel has an oral argument in the Court of Appeals in the case of Barrett Bernard Harris v. State today, May 9, 2012. In addition, Counsel is filing the petitions for writ of certiorari and accompanying appendices in the case of Nicanor Perez Rodriguez v. State and Reginald Davis v. State in this Court today, May 9, 2012. Counsel filed the petitions for writ of certiorari and accompanying appendices in the

cases of Demarcus Kentrail Bussey v. State, Sherrod Miller v. State and Albert Romero Lopez v. State in this Court on Monday, May 7, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Leonard Green v. State, as well as the return to the petition for writ of certiorari in the case of Jonathan Hill v. State, in this Court on April 27, 2012. Counsel filed the petition for rehearing in the case of State v. Benjamin P. Green in this Court on April 19, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Isiah T. Smith v. State in this Court on April 18, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Hazel Stoudemire v. State in this Court on April 13, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Demetrick McQueen in the Court of Appeals on April 12, 2012. Counsel had an oral argument in the case of State v. Kevin J. Williams, Sr. in the Court of Appeals on April 10, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Albert C. Smith, II v. State in this Court on April 9, 2012. In March, 2012, Counsel filed the petition for rehearing in the case of State v. Lewis D. Williams, as well as the petitions for writ of certiorari and accompanying appendices in the cases of Lenson Clyburn, Jr. v. State, Glenn Pernel v. State, Sylvester Toomer v. State and William Gladney Harden v. State. Additionally in March, 2012, Counsel had oral arguments in the cases of Brian Gebhard v. State and State v. Lewis Williams in the Court of Appeals.

3. This request is made in good faith, and not for purposes of delay.

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

Respectfully submitted,


Wanda H. Carter
Deputy Chief Appellate Defender

May 9, 2012

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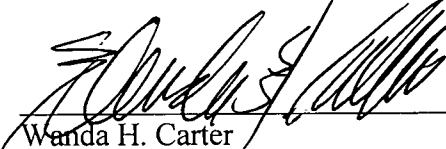
V.

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RESPONDENT

CERTIFICATE OF SERVICE


The undersigned attorney hereby certifies the petition in which to file the petition for writ of certiorari and appendix in the above referenced case has been served upon J. Rutledge Johnson, Esquire, Assistant General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, this 9th day of May, 2012.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 9th day of May, 2012.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 2, 2013