

ORIGINAL

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10/19/11

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

James R. Barber, III, Circuit Court Judge

RECEIVED
OCT 19 2011
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

ANTHONY HACKSHAW,

APPELLANT

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

Counsel for Anthony Hackshaw respectfully petitions this Court for an additional 30 days to file the initial brief of appellant and designation of matter on behalf of her client. In support of this petition, counsel shows:

1. The initial brief of appellant and designation of matter is due today. The Court has granted two previous extensions.
2. Counsel respectfully submits that good cause exists to warrant the granting of an additional extension of time.
3. Specifically, counsel, because of her substantial caseload, has not had the time to complete her client's case, consistent with her duty to provide effective assistance of counsel as guaranteed by the U.S.C.A. 6, 14. *See Evitts v. Lucey*, 469 U.S. 387 (1985) (to be effective appellate counsel must give assistance of such quality as to make

appellate proceedings fair). *See also* Ezell v. State, 345 S.C. 312, 548 S.E.2d 852 (2001); Southerland v. State, 337 S.C. 610, 524 S.E.2d 833 (1999); South Carolina Bar Ethics Advisory Committee, Advisory Op. 04-12 (2004) (citing the 2002 ABA maximum caseload standards of 25 appeals). *See generally* Polk County v. Dodson, 454 U.S. 312 (1981); Gideon v. Wainwright, 372 U.S. 335 (1963). Counsel has prioritized her caseload to complete the cases with the largest number of extensions first.

4. Counsel diligently works to keep up with her case load. Counsel filed the return to petition for writ of certiorari to the Court of Appeals with the Supreme Court on October 14, 2011. On October 12, 2011 counsel met with four death row clients at Lieber Correctional Institution in Ridgeville, SC. On October 6, 2011 counsel filed the initial brief of appellant and designation of matter in State v. Andrew Lee Harrison with this Court. On October 5, 2011 counsel filed the initial brief of appellant and designation of matter in State v. Mario Shivers with this Court. On October 3, 2011 counsel had an oral argument in State v. Jomar Robinson before this Court. On September 29, 2011 counsel filed the initial brief of appellant and designation of matter in State v. Allen Joe Gathings with this Court. On September 22, 2011 counsel filed the initial brief of appellant and designation of matter in State v. Buddy Arizona Harris with this Court. On September 20, 2011 counsel filed the initial brief of appellant and designation of matter in State v. Elijah Baylock with this Court. On September 19, 2011 counsel filed the brief of petitioner in State v. Larry Gene Moore with the Supreme Court. On September 19, 2011 counsel filed the initial brief of appellant and designation of matter in State v. John Hagood with this Court. On September 19, 2011 counsel filed the initial brief of appellant and designation of matter in State v. Rufus Rivers with this Court. On June 22, 2011 counsel filed the petition for writ of certiorari and appendix in the death penalty case Bayan

Aleksey v. State with the Supreme Court. The Appendix is that case is over **6,000 pages long**, and there are at least **97 exhibits** involved.

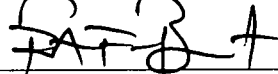
5. In the month of October, counsel is assigned to file **18** briefs and writ of certioraris.

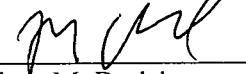
6. As indicated by the signature below, the Attorney General's Office does not oppose the request.

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

Respectfully, counsel requests a 30 day extension in which to file her client's initial brief of appellant and designation of matter.

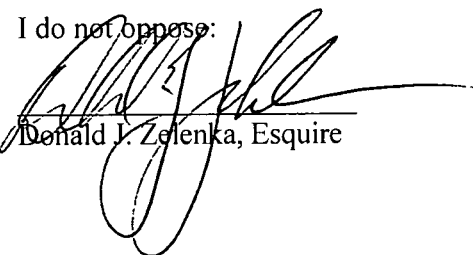
Respectfully submitted,

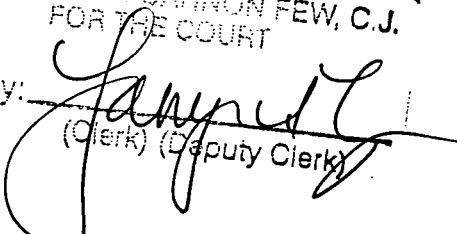

Elizabeth A. Franklin-Best
Appellate Defender


Robert M. Dudek
Chief Appellate Defender

October 19, 2011

I do not oppose:


Donald J. Zelenka, Esquire

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT
By: 
(Clerk) (Deputy Clerk)

FILED
