

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

James R. Barber, III, Circuit Court Judge

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1.18.12
2.17.12

RECEIVED

JAN 18 2012

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 a **final 30 day extension, until February 17, 2011**, in which 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 five previous extensions. The transcript in this case is 1645 pages long.
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 is currently working on the initial brief of appellant and designation of matter in the death penalty case of State v. Steven Barnes, which is due with the Supreme Court on January 26, 2012 and has a 2344 page transcript. Counsel is preparing for oral argument in State v. Osiel Gomez Narciso before the Supreme Court on January 25, 2012. Counsel had an oral argument before this Court in State v. Lonnie Wayne Gregory on January 10, 2012. Counsel filed the petition for rehearing in State v. David Lee Coward with this Court on January 4, 2012. Counsel also filed the petition for rehearing in State v. Reico Lamont Welch with this Court on January 4, 2012. Counsel filed the petition for writ of certiorari in James Wright, III v. State with the Supreme Court on December 19, 2011. Counsel filed the petition for rehearing in State v. Michael D. Jackson with this Court on December 16, 2011.

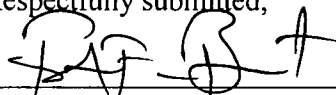
5. In the month of January counsel is assigned to file 21 briefs and writ of certiorari petitions.

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

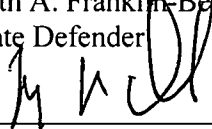
7. Counsel makes this request in good faith and not for purposes of delay.

Respectfully, counsel requests a **final 30 day extension, until February 17, 2011**, in which to file her client's initial brief of appellant and designation of matter.

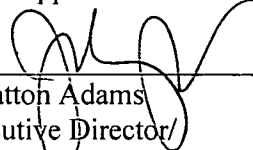
Respectfully submitted,



Elizabeth A. Franklin-Best
Appellate Defender



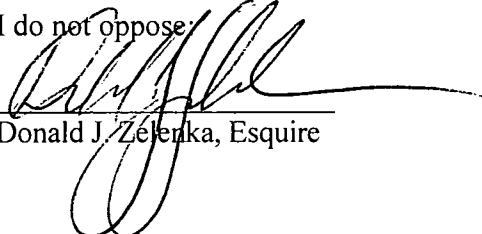
Robert M. Dudek
Chief Appellate Defender



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

January 18, 2012

I do not oppose:



Donald J. Zelenka, Esquire

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT

By: V. Claire Allen
(Clerk) (Deputy Clerk)

FILED

1.25.12 DW