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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

James R. Barber, III, Circuit Court Judge

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 15 day extension, until March 5, 2012**, 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 six previous extensions. Counsel acknowledges the previously granted extension was a final extension request, and counsel hopes to file the initial brief of appellant and designation of matter in this case before March 5, 2012. 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 had two oral arguments on Wednesday, February 15, 2012 before this Court in State v. Curtis Lee Elgin and State v. William Kirkland. Counsel will be filing 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 February 24, 2012 and has a 2344 page transcript. Counsel filed the initial brief of appellant and designation of matter in State v. Anthony Linton with this Court on February 9, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Loudin Rohr with this Court on February 8, 2012. Counsel filed a petition of rehearing in State v. Justin McBride with this Court on January 30, 2012. Counsel had an oral argument in State v. Osiel Gomez Narciso before the Supreme Court on January 25, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Leslie Twyman with this Court on January 20, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. James

Moore on January 19, 2012 with this Court. 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.

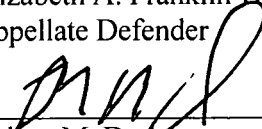
5. In the month of February counsel is assigned to file **24** briefs and writ of certiorari petitions.
6. As indicated by the signature below, the Attorney General's Office does not oppose the request.
7. Counsel makes this request in good faith and not for purposes of delay.

Respectfully, counsel requests a **final 15 day extension, until March 5, 2012**, in which to file her client's initial brief of appellant and designation of matter.

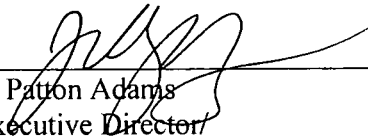
Respectfully submitted,



Elizabeth A. Franklin-Best
Appellate Defender



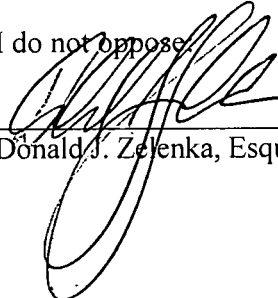
Robert M. Dudek
Chief Appellate Defender



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

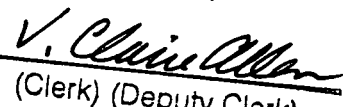
FILED

February 17, 2012

I do not oppose


Donald J. Zejenka, Esquire

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

By: 

(Clerk) (Deputy Clerk)