

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

3rd
4-8-11
ORIGINAL

Appeal from Berkeley County

Kristi Lea Harrington, Circuit Court Judge

RECEIVED

APR 08 2011

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JUSTIN HILLERBY,

APPELLANT

**PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by two prior orders of this Court.

2. Counsel will be filing the brief of petitioner in the case of *James Michael Lucas v. State* today. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Steven Burton* on April 6, 2011. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of *State v. Nathaniel Bradley* (in the COA) Friday, April 1, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. David A. Goins* on March 30, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Mykel Watkins* on March 21, 2011. Counsel filed the initial briefs of appellant and designations of

matter in the cases of *State v. Terrelle Chandler* and *State v. Adrian Eaglin* on March 3, 2011. Counsel filed the return to petition for writ of certiorari in the case of *Ayree Henderson v. State* on February 21, 2011. Counsel filed the initial briefs of appellant and designations of matter in the cases of *State v. Willie Moore* and *State v. Norman Hayes* on February 7, 2011. Additionally, in January, 2011, Counsel filed the initial briefs of appellant and designations of matter in the cases of *State v. Jeremy J. McClinton* and *State v. Brian A. Clarke*. Also, in January, 2011, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of *Colie Green v. State* as well as the return to petition for writ of certiorari in the case of *Constanzus Williams v. State*.

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

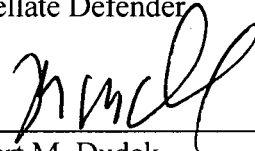
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

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

Respectfully submitted,



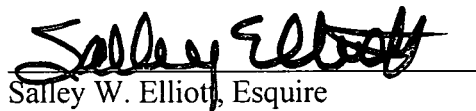
Tristan M. Shaffer
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

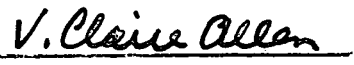
April 8, 2011

I DO NOT OPPOSE:



Salley W. Elliott, Esquire

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

By: 
(Clerk) (Deputy Clerk)

FILED
4/12/11