

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County
Kristi Lea Harrington, Circuit Court Judge

4th 5-9-11
ORIGINAL
RECEIVED

MAY 09 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:

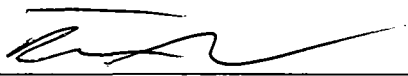
1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by three prior orders of this Court.
2. The trial transcript in this case is 843 pages.
3. Counsel is working on and plans to file the initial brief of appellant and designation of matter in the case of *State v. Zerell McClurkin* due on Wednesday. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Bobby Davis* on May 4, 2011. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of *Lorenzo A. Curry v. State* on May 2, 2011. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of *Eric Joshua Turner v. State*, as well as the brief of petitioner in the case of *State v. James Michael Lucas* on Friday, April 29, 2011. Counsel filed the reply brief in the case of *State v. Kevin Gilliard* on April 21, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Jacob Breda* yesterday, April 20, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v.*

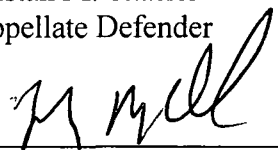
Alexander Partain April 15, 2011. Counsel filed the initial brief of appellant and designation of matter in the case of *State v. Steven Burton* on April 6, 2011. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of *State v. Nathaniel Bradley* (in the COA) Friday, 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. This request is made in good faith, and not for purposes of delay.

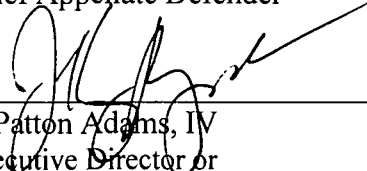
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

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,

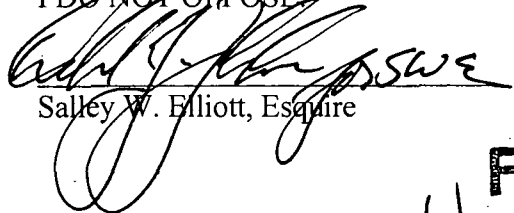

Tristan M. Shaffer
Appellate Defender


Robert M. Dudek
Chief Appellate Defender

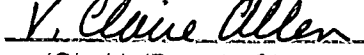

T. Patton Adams, IV
Executive Director or
J. Hugh Ryan, III
General Counsel

May 9, 2011

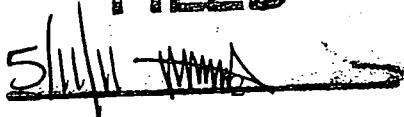
I DO NOT OPPOSE:


Salley W. Elliott, Esquire

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

By: 
(Clerk) (Deputy Clerk)

FILED


5/11/11