

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

J. C. Buddy Nicholson, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

v.

DERELL GREEN,

APPELLANT

RECEIVED

NOV 08 2012

SC Court of Appeals

Appellate Case No. 2011-201486

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

The undersigned counsel respectfully requests a **final 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 extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.

2. Counsel is filing the return to the petition for writ of certiorari in the case of Demetrius Lewis v. State in the Supreme Court today, November 8, 2012. Counsel filed the memorandum on dates of after-discovered evidence and accompanying appendix in the murder case of State v. Richard Gagnon yesterday, November 6, 2012, in Horry County. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Richard Butler v.

State in the Supreme Court on November 5, 2012. Counsel had a second evidentiary remand hearing in the murder case of State v. Richard Gagnon on October 29, 2012 in Horry County, which is an actual innocence case. Counsel had an oral argument in the case of State v. Gene Tony Cooper in the Supreme Court on October 17, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Nathan Luckett v. State in the Supreme Court on October 12, 2012. Counsel filed the reply to the initial brief of respondent in the **death penalty** case of State v. Steven Barnes in the Supreme Court on October 10, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Ronald Scott Renwick in this Court on October 8, 2012. Counsel had an oral argument in the **death penalty** case of State v. Stephen Christopher Stanko in the Supreme Court on October 4, 2012. Counsel also filed the petition for rehearing in the case of State v. Dadrin Jerome Johnson in this Court on October 4, 2012. Counsel had an oral argument in the case of State v. Christopher Stephens in this Court on October 3, 2012. In September, 2012, Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of State v. Derrick McDonald, James Robertson v. State (capital case with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm), Tobias Chano Lee v. State, and Marion Alexander Lindsey v. State (capital case with Co-Counsel David Alexander). Counsel also filed the initial briefs of appellant and designations of matter in the cases of State v. Tawanda Allen, State v. George Chavis and State v. Michael Rogers, as well as the petition for rehearing in the case of State v. Randy Vickery, and the reply to the brief of respondent in the **death penalty** case of Brad Sigmon v. State in September, 2012. Additionally, in September, 2012, Counsel had oral arguments in the cases of State v. Miama Kromah and State v. Kendrick Taylor and a remand hearing in State v. Richard Gagnon in Horry County. Counsel attended and presented at the annual South Carolina Public Defender's

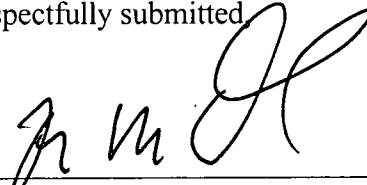
Conference September 24-26. Counsel also has extensive administrative duties as the Chief Appellate Defender.

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

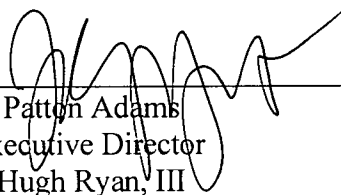
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension**. Counsel respectfully 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,



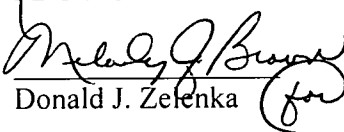
Robert M. Dudek
Chief Appellate Defender



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

November 8, 2012

I DO NOT OPPOSE:



Donald J. Zelenka