

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Beaufort County
J. Durham Cole, Circuit Court Judge

RECEIVED
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SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

ANDRE GREEN,

APPELLANT.

Appellate Case No. 2012-211994

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Andre Green respectfully requests an extension of thirty (30) days in which to file the initial brief of appellant and designation of matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter is due to be served and filed with the Court today, December 3, 2012.
2. Counsel for Mr. Green respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.
3. On November 29, 2012, counsel filed: the petition for writ of certiorari and appendix in Rufino Uriostegui v. State in the Supreme Court; the petition for writ of certiorari and appendix in Nancy VonCannon v. State in the Supreme Court; and the petition for writ of certiorari pursuant to Austin v. State in Nancy VonCannon v. State in the Supreme Court. On November 26, 2012, counsel is filing the

brief of appellant and designation of matter in State v. Marlin Hutley with this Court. On November 21, 2012, counsel filed the brief of appellant and designation of matter in State v. Richard Avon Green with this Court. On November 15, 2012, counsel filed: a petition for rehearing in State v. Rushan Counts; a brief of appellant and record on appeal in State v. Douglas Hall with this Court; and a reply to the state's return to appellant's memorandum in State v. Richard Gagnon in the Horry County Court of General Sessions. On November 13, 2012, counsel filed the petition for writ of certiorari and appendix in Timothy Earl Green v. State in the Supreme Court. On November 7, 2012, counsel filed the return to respondent's motion in State v. Anthony Williamson in the Supreme Court and a memorandum on the timeliness of appellant's motion for a new trial based on after-discovered evidence in State v. Richard Gagnon in the Horry County Court of General Sessions. On November 6, 2012, counsel filed the brief of appellant and record on appeal in State v. Jodie C. Turner with this Court. On November 5, 2012, counsel filed the petition for writ of certiorari and appendix in Lisa Ann Blakeney v. State in the Supreme Court, and the petition for rehearing in State v. Marcus Addison with this Court. On November 2, 2012, counsel filed the brief of appellant and designation of matter in State v. Karl Ryan Lane with this Court. On October 29, 2012, counsel had a second remand hearing for a new trial based on after-discovered evidence in State v. Richard Gagnon at the Horry County Courthouse. On October 26, 2012, counsel filed the brief of appellant and record on appeal in State v. Tina Dockery with this Court. On October 24, 2012, counsel filed the brief of appellant and record on appeal in State v. Darrell Williams with this Court. On October 18, 2012, counsel filed the brief of appellant and designation of matter in State v. Christopher Lee Johnson with this Court. On October 15, 2012, counsel filed the petition for writ of certiorari and appendix in Norman J. Hayes v. State in the Supreme Court. On October 12, 2012, counsel filed the brief of appellant and designation of matter in State v. Kristopher Wilmont Berry with this Court. On October 9, 2012, counsel filed the petition for writ of certiorari and appendix in James Wilkinson v. State in the Supreme Court. On October 5, 2012, counsel filed the brief of appellant and designation of matter and record on appeal in State v. Chanton Edjuan Smith with this Court. On October 4, 2012,

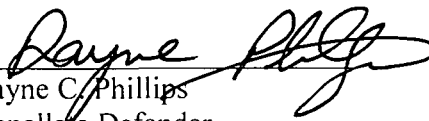
counsel had an oral argument in State v. Rushan Counts with this Court. On October 1, 2012, counsel filed the petition for writ of certiorari and appendix in James Russell v. State in the Supreme Court.

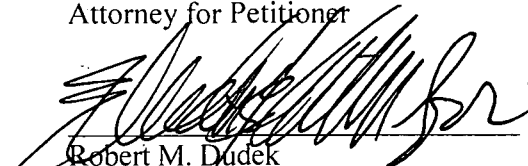
4. Counsel makes this request in good faith and not for purpose of delay.

5. As indicated by signature below, Salley W. Elliott, of the South Carolina Attorney General's Office, 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 based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

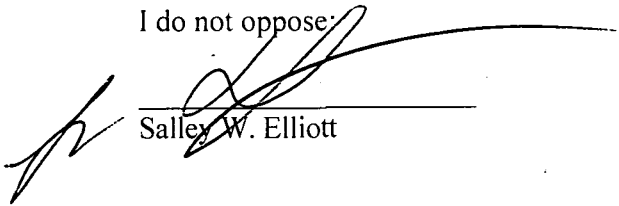
Respectfully submitted,


Dayne C. Phillips
Appellate Defender
Attorney for Petitioner


Robert M. Dudek
Chief Appellate Defender

December 3, 2012

I do not oppose:


Salley W. Elliott