

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County

Diane Schafer Goodstein, Circuit Court Judge

RECEIVED
DEC 05 2012
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

CESAR PORTILLO,

APPELLANT

APPELLATE CASE NO. 2011-196447

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

Counsel for Cesar Portillo petitions the Court for a **final thirty day extension, until January 7, 2013** in which to file the initial brief of appellant and designation of matter in this case. In support of this petition, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. This is the seventh extension for Mr. Portillo. Counsel regrets the necessity of this extension request, the reasons for which are listed below.

2. Counsel for Mr. Portillo respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel recognizes that the previous extension for this case was a final extension; however, counsel has been unable to complete this brief because of work on State v. Frankie McGee, (a transcript with 1,310 pages) which counsel plans to file in the Court today. Counsel hopes to have this brief filed before the thirty days requested.**

3. Counsel is filing the initial brief of appellant and designation of matter in State v. Frankie McGee today. Also, today, counsel has an oral argument in the Supreme Court in State v. Timothy Wallace. Counsel filed the initial brief of appellant and designation of matter in State v. Donte Reid on November 26, 2012. On November 15, 2012, counsel had an oral argument in the South Carolina Supreme Court in State v. Mark Baker. On November 9, 2012, counsel filed the Anders brief of appellant and record on appeal in State v. Timothy Young. Counsel filed the initial brief of appellant and designation of matter in State v. Alirio Ortiz in the Supreme Court on November 5, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Antrell Felder and the brief of respondent in Cazario Marshall v. State on October 22, 2012. Counsel filed the petitions for writ of certiorari and accompanying appendices in William Cornish v. State and Wiley Post James v. State on October 8, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Archie Hoover v. State on October 4, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Terrance Gist v. State on October 1, 2012.

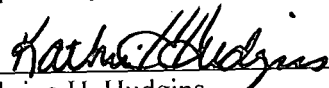
4. Counsel has not had time to complete the initial brief of appellant and designation of matter in this case. As a result, counsel respectfully asks this Court for a **final thirty day extension, until January 7, 2012** in which to file the initial brief of appellant and designation of matter. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

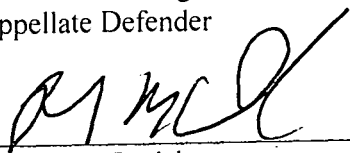
5. As indicated by signature below, Salley Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

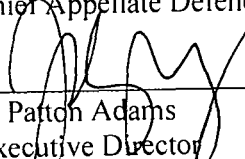
6. Counsel makes this request in good faith and not for purposes of delay.

Counsel respectfully requests a **final thirty day extension, until January 7, 2013** in which to file the initial brief of appellant and designation of matter in this case based upon the above circumstances.

Respectfully submitted,

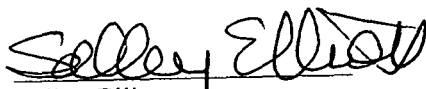

Kathrine H. Hudgins
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


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

December 5, 2012

I do not oppose:


Salley Elliott