

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

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

RECEIVED
DEC 10 2012
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DERELL GREEN,

APPELLANT

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, until January 9, 2012**, 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. **The transcript in this murder case is 1, 219 pages.**

2. Counsel is preparing and plans to file the petition for writ of certiorari and accompanying appendix in the case of Tyrone Ravenell v. State in the Supreme Court on Thursday, December 13, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tito Harris in this Court on December 7, 2012. Counsel filed the

brief of appellant and designation of matter in the case of State v. Eric Anderson in this Court on November 28, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Christopher Heller (in the COA) in the Supreme Court on November 26, 2012. Counsel had an oral argument in the case of State v. David Rocquemore in the Supreme Court on November 15, 2012. Additionally, Counsel filed the initial reply brief of appellant in the case of In the Interest of David L., a Minor Under the Age of Seventeen, with Co-Counsel Charles Grose, pro bono, in the Supreme Court on November 15, 2012. Counsel filed the return to the petition for writ of certiorari in the case of Demetrius Lewis v. State in the Supreme Court on 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 on 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

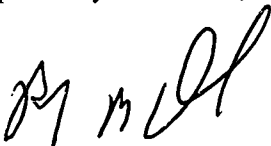
State v. Christopher Stephens in this Court on October 3, 2012. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

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.

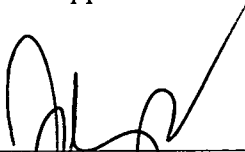
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until January 9, 2012**. 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,



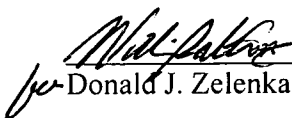
Robert M. Dudek
Chief Appellate Defender



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

December 10, 2012

I DO NOT OPPOSE:



Donald J. Zelenka