

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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DEC 10 2012

SC Court of Appeals

Appeal from Berkeley County

Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CLARENCE J. FISHBURNE,

APPELLANT

APPELLATE CASE NO. 2011-20366

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

Counsel for Clarence J. Fishburne petitions the Court for a **final thirty day extension, until January 10, 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 sixth extension for Mr. Fishburne.

2. Counsel for Mr. Fishburne 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 initial brief. Counsel acknowledges that a sixth extension request for an initial brief for appellant and designation of matter is in contradiction to the internal rules of this office. Counsel hopes to have this initial brief of appellant filed by January 2, 2013.**

3. Counsel filed the return to petition for writ of certiorari in State v. Daniel Jenkins on December 7, 2012. Counsel filed the initial brief of appellant and designation of

matter in State v. Frankie McGee and had an oral argument in State v. Timothy Wallace on December 5, 2012. 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.

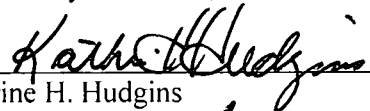
4. Counsel has not had time to complete the initial brief of appellant and designation of matter in this case. As a result, counsel respectfully asks this Court for a **final thirty day extension, until January 10, 2013** in which to file the initial brief of appellant and designation of matter. Counsel 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.

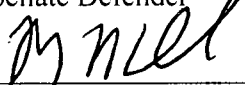
6. Counsel makes this request in good faith and not for purposes of delay.

Counsel respectfully requests a **final thirty day extension, until January 10, 2013** in which to file the initial brief of appellant and designation of matter in this case based upon the above circumstances.

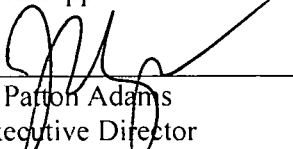
Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



Robert M. Dudek
Chief Appellant Defender



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

December 10, 2012

I do not oppose:



Salley Elliott