

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

RECEIVED

DEC 10 2012

S.C. Supreme Court

JAMES GARFIELD DEPRIEST,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-212151

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a thirty-day extension in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:


1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.
2. Counsel is currently working on a **death penalty case** in Marion Bowman v. State. Counsel filed the reply to return to petition for writ of certiorari in the Supreme Court in Darrell Goss v. State on December 4, 2012. Counsel filed the brief of petitioner in State v. Paris

Avery with the South Carolina Supreme Court on November 26, 2012. The petition for writ of certiorari and accompanying appendix in Douglas Thompson v. State were filed and served with the South Carolina Supreme Court on November 21, 2012. The petition for writ of certiorari and accompanying appendix in Charles Ray Dean v. State was filed in the Supreme Court on November 15, 2012. Counsel filed the initial brief of appellant and designation of matter with the Court of Appeals in State v. Michael Couch on November 7, 2012.

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.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander
Appellate Defender

December 10, 2012

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Appeal from Greenville County
Edward W. Miller, Circuit Court Judge

JAMES GARFIELD DEPRIEST,

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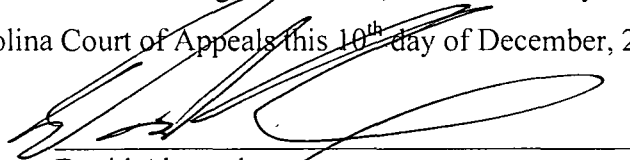
STATE OF SOUTH CAROLINA,

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Appellate Case No. 2012-212151

CERTIFICATE OF SERVICE

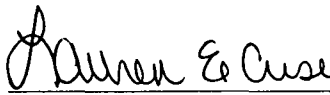
The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon Kaelon E. May, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, and the South Carolina Court of Appeals this 10th day of December, 2012.



David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 10th day of December, 2012.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: August 23, 2014.