

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE SUPREME COURT

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Certiorari to Greenville County

RECEIVED

MAY 01 2012

G. Edward Welmaker, Circuit Court Judge

S.C. Supreme Court

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JOHNNY LEE PADEN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

\_\_\_\_\_  
**PETITION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI  
AND APPENDIX**  
\_\_\_\_\_

The undersigned counsel would respectfully request a **one-time final 30 day extension, until May 31, 2012 -- based on a potential conflict of interest counsel discovered while reading the Appendix --** in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today. Counsel had recently reassigned this case from Appellate Defender Elizabeth A. Franklin-Best, who is leaving this office for private practice, to himself. **Upon reading the appendix, counsel realized he had represented the client on direct appeal.**

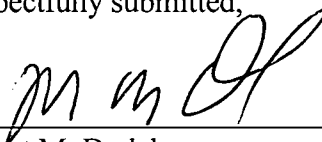
**Counsel filed the final Anders brief with the Court of Appeals on January 29, 2009. On page 334 of the appendix petitioner alleges I was ineffective. Consequently, counsel is petitioning for a one-time thirty-day extension for Appellate Defender Dayne Phillips to file the petition for writ of certiorari in this case.**

2. Counsel is preparing for an oral argument in State v. Anthony Gracely before this Court tomorrow, Tuesday, May 2, 2012. Counsel must also prepare for an oral argument in State v. Thomas Patrick Hilliard before the Court of Appeals on Monday, May 7, 2012. Counsel filed the initial brief of appellant and designation of matter in State v. Anthony Nation with this Court on April 27, 2012. Counsel filed the petition for writ of certiorari in Johnny A. Gainey v. State with this Court on April 24, 2012. Counsel filed the return to petition for writ of certiorari in Randy Lee Hill v. State with this Court on April 23, 2012. Counsel filed the brief of petitioner in the death penalty case of Brad Keith Sigmon v. State with this Court on April 20, 2012. Counsel is on the public defender's conference planning committee and a meeting was called Wednesday, April 18, 2012, that was unplanned that counsel had to attend. Counsel filed the initial brief of appellant and designation of matter in State v. David Lewis with this Court, April 13, 2012. Counsel filed the initial brief of respondent in State v. Robert Jolly #2 with the Court of Appeals on April 6, 2012. Counsel filed the brief of petition in State v. David M. Rocquemore with this Court on April 4, 2012. Counsel is currently working on the death penalty case of Richard Bernard Moore v. State with co-counsel Susan B. Hackett. In addition to the above, counsel has very extensive administrative duties on a daily basis as the Chief Appellate Defender.

3. This request is made in good faith, and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request **one-time final thirty-day extension, until May 31, 2012**, in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender



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

May 1, 2012

I DO NOT OPPOSE:



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Karen Ratigan, Esquire