

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Greenville County

Robin B. Stilwell, Circuit Court Judge

RECEIVED  
DEC 27 2012  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

FREDERICK R. CHAPPELL,

APPELLANT

Appellate Case No. 2012-210195

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 28, 2013**, 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.

2. Counsel for Mr. Chappell 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. Today, December 27, 2012, Counsel is filing a brief**

**of petitioner, a petition for writ of certiorari and accompanying appendix, a return to the petition for writ of certiorari, and two petitions for rehearing. Counsel hopes to have this brief filed before the thirty days requested.**

3. Counsel is filing the brief of petitioner in the case of State v. Wesley Smith, the petition for writ of certiorari and accompanying appendix in the case of State v. Doyle Marion Garrett (in the COA), and the Return to the petition for writ of certiorari in the case of Antonio D. Bordeaux v. State all in the Supreme Court today, December 27, 2012. Additionally, Counsel is filing the petitions for rehearing in the cases of State v. Larry Bradley Brayboy and State v. Marion Stewart in this Court today, December 27, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Travis Teasley (in the COA) in the Supreme Court, as well as the initial brief of appellant and designation of matter in the case of State v. John Wayne Brannon in this Court, on December 21, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Sylvester Davis v. State in the Supreme Court on December 19, 2012. Counsel filed the petition for writ of certiorari in the case of State v. Demetrius Price (in the COA) in the Supreme Court on December 17, 2012. The initial brief of appellant and designation of matter in State v. Roman Millen was filed on December 13, 2012. 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.

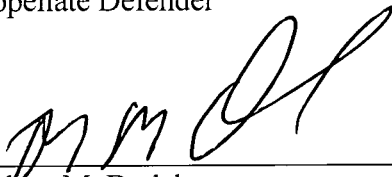
4. This request is made in good faith, and not for purposes of delay.

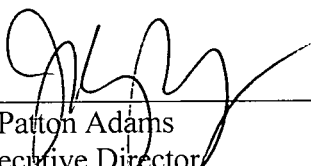
5. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until January 28, 2013**, in which to file the initial brief of appellant and designation of matter in this case. Counsel 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,

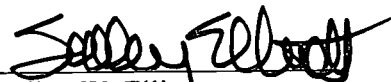
  
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Kathrine H. Hudgins  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

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

December 27, 2012

I DO NOT OPPOSE:

  
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Salley W. Elliott