

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Dorchester County
Diane Schafer Goodstein, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DON-SURVI CHISOLM,

APPELLANT

Appellate Case No. 2011-200186

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 21, 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 intended the last extension request to be a final, however, counsel was diagnosed with having multiple gallstones, and surgery was recommended as soon as possible. Counsel's gallbladder surgery was December 12, 2012, and Counsel is still recovering from this surgery. Counsel will file the initial brief of appellant and designation of matter in this case as soon as possible.

3. Counsel is filing the petition for writ of certiorari and accompanying appendix in the case of State v. Randy Vickery (in the COA) in the Supreme Court today, December 21, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Gerald Pitts in this Court yesterday, December 19, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Leroy Laird in this Court on December 12, 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. In October, 2012, Counsel had a second evidentiary remand hearing in the murder case of State v. Richard Gagnon in Horry County, which is an actual innocence case, as well as oral arguments in the cases of State v. Gene Tony Cooper, State v. Christopher Stephens and State v. Stephen Christopher Stanko (capital case). Additionally, in October, 2012, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Nathan Luckett v. State, the initial brief of respondent in

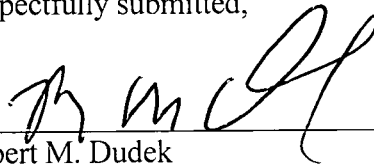
the **death penalty** case of State v. Steven Barnes, the initial brief of appellant and designation of matter in the case of State v. Ronald Scott Renwick, and the petition for rehearing in the case of State v. Dadrin Jerome Johnson. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

4. 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.

5. 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 21, 2013**. 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,



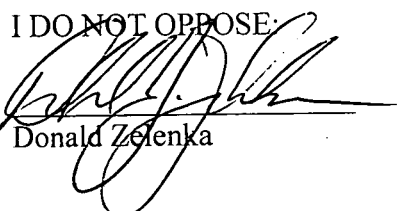
Robert M. Dudek
Chief Appellate Defender



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

December 21, 2012

I DO NOT OPPOSE:



Donald Zelenka