

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Thomas A. Russo, Circuit Court Judge

RECEIVED

DEC 17 2012

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAVID GERRARD JOHNSON,

APPELLANT

Appellate Case No. 2012-209267

**PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a **final thirty-day extension until January 16, 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 exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by four prior orders of this Court.
2. Counsel filed the petition for rehearing in the case of State v. Thomas E. Gilliland with this Court on December 13, 2012. Counsel filed the petition for writ of certiorari in the case of State v. Thomas Smart (Cert in the COA) in the Supreme Court on December 12, 2012. Counsel filed the petition for rehearing in the case of State v.

Stevie Lamont Aikens in this Court on December 12, 2012. Counsel had two oral arguments in the case of James Robinson v. State and State v. Thomas Michael Smith in this Court on December 10, 2012. Counsel filed the record on appeal in the case of State v. Marshall McGaha in this Court on December 7, 2012. Counsel filed the record on appeal in the case of State v. Rodriques Carter in this Court on December 5, 2012. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. David Pacetti in this Court on November 28, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Anderson in this Court on November 28, 2012. Counsel filed the record on appeal in the case of State v. Ladorrean Collington in this Court on November 28, 2012. Counsel filed the record on appeal in the case of State v. Sasha Gaskins in this Court on November 21, 2012. Counsel filed the Anders brief of appellant and the record on appeal in the case of State v. Phillip Rachels in this Court on November 20, 2012. Counsel filed the record on appeal in the case of State v. John Herndon in this Court on November 19, 2012. Counsel filed the record on appeal in the case of State v. Anthony Hackshaw in this Court on November 16, 2012. Counsel filed the petition for rehearing in the case of State v. Anthony Linton in this Court on November 15, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Angela M. Vaughn v. State with the Supreme Court on November 14, 2012. Counsel filed the record on appeal in the case of State v. Elbert Wallace in this Court on November 13, 2012. Counsel filed the petition for rehearing in the case of State v. Marion Bonds in this Court on November 8, 2012. Counsel filed the petition for rehearing in the case of State v. Trevee J. Gethers in this Court on November 6, 2012. Counsel filed the petition for rehearing in the case of State

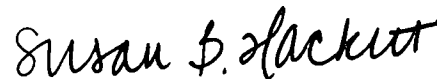
v. Kenneth S. Williams with this Court on November 6, 2012. Counsel filed the petition for rehearing in the case of State v. Kendrick Dennis in this Court on November 5, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Cedric T. Smith v. State in the Supreme Court on November 5, 2012. Counsel filed the record on appeal in the case of State v. Loudin Rohr in this Court on November 1, 2012. Counsel filed the brief of appellant in the case of State v. Reginald Nance in this Court on October 24, 2012. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Jose Romero in this Court on October 24, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Davontay Henson in this Court on October 15, 2012.

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

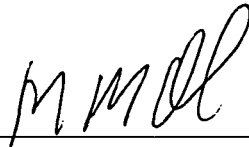
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension until January 16, 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,



Susan B. Hackett
Appellate Defender



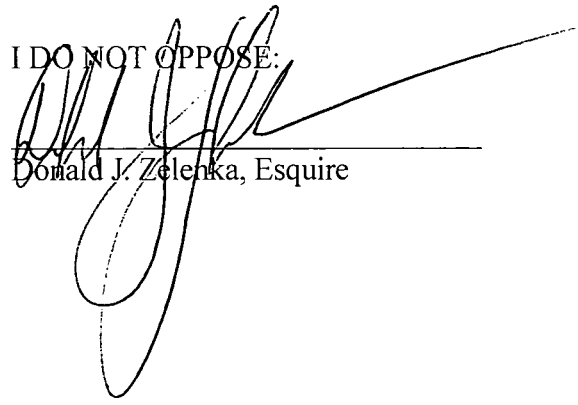
Robert M. Dudek
Chief Appellate Defender



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

December 17, 2012

I DO NOT OPPOSE:



Donald J. Zelenka, Esquire