

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Jasper County

Perry M. Buckner, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRETT HOWARD,

APPELLANT

APPELLATE CASE NO. 2012-212059

PETITION FOR EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Brett Howard petitions the Court for a thirty day extension, in which to file the initial brief of appellant and designation of matter in this case. In support of this petition, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. Counsel has had two extensions in this case.
2. Counsel for Mr. Howard respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. Counsel filed 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 on December 27, 2012. Additionally, Counsel filed the petitions for rehearing in the cases of State v. Larry Bradley Brayboy and State v. Marion Stewart in the Court of Appeals on 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 the Court of Appeals, 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 to the Court of Appeals in State v. Demetrius Price 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.

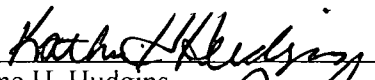
4. Counsel has not had time to complete the initial brief of appellant and designation of matter in this case. As a result, counsel respectfully asks this Court for a thirty day extension, in which to file the initial brief of appellant and designation of matter. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

5. As indicated by signature below, Salley Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

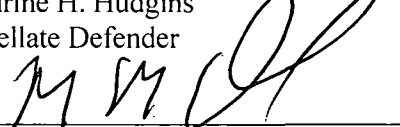
6. Counsel makes this request in good faith and not for purposes of delay.

Counsel respectfully requests a thirty day extension, in which to file the initial brief of appellant and designation of matter in this case based upon the above circumstances.

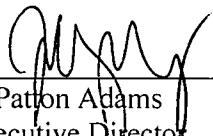
Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



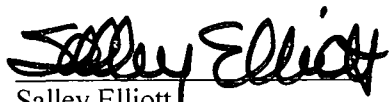
Robert M. Dudek
Chief Appellate Defender



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

January 7, 2013

I do not oppose:



Salley Elliott