

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

C. Victor Pyle, Jr., Circuit Court Judge

RECEIVED

JAN 17 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JULIAN DEANDRE BATTLE,

APPELLANT

APPELLATE CASE NO. 2011-203746

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

The undersigned counsel respectfully requests a **final thirty day extension, until February 18, 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. **Counsel recognizes that the previous extension for this case was a final extension; however, counsel has been unable to complete this initial brief. Counsel acknowledges that a sixth extension request for an initial brief for appellant and designation of matter is in contradiction to the internal rules of this office. Counsel will attempt to have this initial brief of appellant and designation of matter filed by Friday, January 25, 2013.**

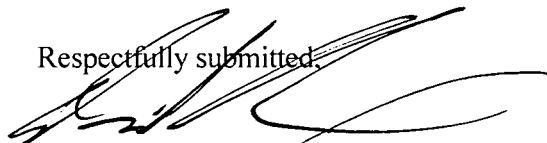
2. Counsel is currently working on a **death penalty case** in Marion Bowman v. State. Counsel is also working on the petition for writ of certiorari in Brenda Gail Cutro v. State which has an appendix of over **5,000** pages. Counsel is working to complete the petition for writ of certiorari in Sterling Green v. State due on Monday, January 21, 2013. On Monday, January 14, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Heyward Robinson v. State with the Court of Appeals and the Anders brief of appellant and Record on Appeal in State v. Alfred Jackson in this Court. Counsel had an oral argument in this Court in the case of State v. Robert Jolly on January 10, 2013. Counsel filed the initial brief of appellant and designation of matter with this Court in State v. Henry Lee Felder and the petition for rehearing with the Supreme Court in State v. Danny Cortez Brown on January 3, 2013. Counsel filed the brief of petitioner in State v. James Miller with the Supreme Court on December 28, 2012. The initial brief of appellant and designation of matter in State v. Kevin Bennett were filed in this Court on December 28, 2012. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Ronald Jeffery Shows in this Court on December 19, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Dayvonn A. Valentine v. State in the Supreme Court on December 17, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Alexander v. State with the Supreme Court on December 12, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in Ashante Wright v. State with the Supreme Court on December 12, 2012. Counsel filed the reply to return to petition for writ of certiorari in the Supreme Court in Darrell Goss v. State on December 4, 2012.

3. 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.

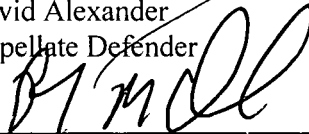
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until February 18, 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.

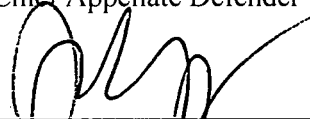
Respectfully submitted,



David Alexander
Appellate Defender



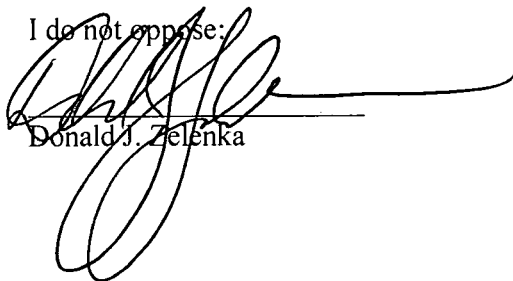
Robert M. Dudek
Chief Appellate Defender



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

January 17, 2013

I do not oppose:



Donald J. Zelenka