

ORIGINAL

STATE OF SOUTH CAROLINA RECEIVED

IN THE SUPREME COURT

JAN 18 2013

Appeal from Florence County

S.C. Supreme Court

William H. Seals, Jr., Circuit Court Judge

HERMAN DONALD MCKNIGHT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-212305

PETITION FOR EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF CERTIORARI
AND ACCOMPANYING APPENDIX

Counsel for Herman Donald McKnight petitions the Court for a **final thirty day extension, until February 18, 2013**, in which to file the petition for writ of certiorari and accompanying appendix in this case. In support of this petition, counsel shows:

1. The petition for writ of certiorari and accompanying appendix are due to be filed with the Court today. This is the third extension for Mr. McKnight.
2. Counsel for Mr. McKnight respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. On January 7, 2013, counsel filed the initial brief of appellant and designation of matter in State v. Cesar Portillo. The petition for writ of certiorari and

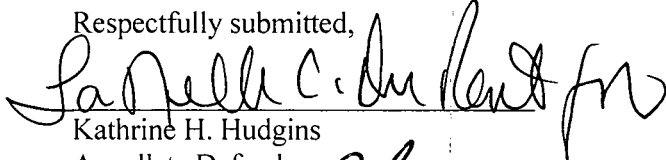
accompanying appendix in Darryl Frierson v. State were filed on January 10, 2013. Counsel filed the brief of petitioner in the case of State v. Wesley Smith, the petition for writ of certiorari and accompanying appendix in the case of State v. Doyle Marion Garrett (in the COA), and the Return to the 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.

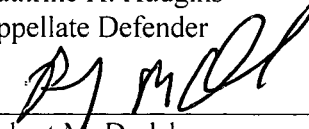
4. Counsel has not had time to complete the petition for writ of certiorari and accompanying appendix in this case. As a result, counsel respectfully asks this Court for a thirty day extension, in which to file the petition for writ of certiorari and accompanying appendix. Counsel is striving to limit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

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

Counsel respectfully requests **a final thirty day extension, until February 18, 2013**, in which to file the petition for writ of certiorari and accompanying appendix in this case based upon the above circumstances.

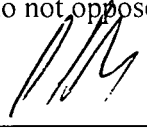
Respectfully submitted,


Kathrine H. Hudgins
Appellate Defender


Robert M. Dudek
Chief Appellate Defender

January 18, 2013

I do not oppose:


Tyson Andrew Johnson, Sr.