

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Dorchester County
Diane Schafer Goodstein, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DON-SURVI CHISOLM,

APPELLANT

RECEIVED
JAN 22 2013
COURT OF APPEALS

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 February 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 regrets the necessity of this extension request but he is catching up on his extremely busy caseload after two surgeries and many medical follow-up appointments. Counsel will make every effort to have the initial brief of appellant and designation of matter in this case filed within thirty days. Counsel also has extensive administrative duties as the Chief Appellate Defender. Counsel filed the petition for writ of**

certiorari and accompanying appendix in the case of State v. Dadrin Jerome Johnson (in the COA) in the Supreme Court on Friday, January 18, 2013. Counsel is working on the murder case of State v. Fred Madden, and he will file the initial brief and designation this week. Counsel also intends to file for rehearing in State v. Jason Franks on January 31, 2013. Counsel is also preparing for an upcoming oral argument in the **death penalty** case of State v. Steven Barnes in the Supreme Court on February 5, 2013, and preparing the petition for writ of certiorari and accompanying appendix in the case of State v. Gene Tony Cooper in the United States Supreme Court, also due on February 5, 2013. Counsel had an oral argument in the case of State v. Adams Gibson in the Supreme Court on January 10, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tyrone A. Ravenell v. State in the Supreme Court on January 7, 2013. Counsel filed the return to petition for writ of certiorari in the case of James v. Helms v. State in the Supreme Court on December 27, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Randy Vickery (in the COA) in the Supreme Court on 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 on 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. In November, 2012, Counsel filed the brief of appellant and designation of matter in the case of State v. Eric Anderson, and the 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. Counsel also filed the petitions for writ of certiorari and accompanying appendices in the cases of State v. Christopher Heller (in the COA) and Richard Butler v. State, and the return to the petition for writ of certiorari in the case of Demetrius Lewis v. State in November, 2012.

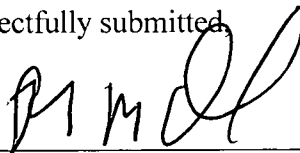
Additionally, in November, 2012, Counsel had an oral argument in the case of State v. David Rocquemore, and filed the memorandum on dates of after-discovered evidence and accompanying appendix in the murder case of State v. Richard Gagnon in Horry County.

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.

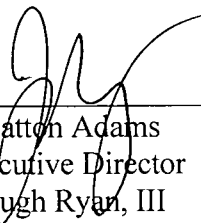
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

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



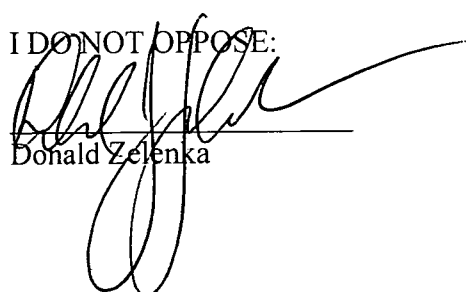
Robert M. Dudek
Chief Appellate Defender



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

January 22, 2013

I DO NOT OPPOSE:



Donald Zelenka