

STATE OF SOUTH CAROLINA

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IN THE SUPREME COURT

FEB 11 2013

Appeal from Greenville County

S.C. Supreme ORIGINAL

Edward W. Miller, Circuit Court Judge

JAMES JERMAINE ABERCROMBIE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-212149

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

Counsel for James Jermaine Abercrombie petitions the Court for a **final thirty day extension, until March 13, 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. The petition for writ of certiorari and accompanying appendix are due to be filed with the Court today. This is the fourth extension for Mr. Abercrombie. **Counsel acknowledges that a fourth extension request for a petition for writ of certiorari and accompanying appendix is in contradiction to the rules of the Court.**

2. Counsel for Mr. Abercrombie respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel**

will file the brief with this Court if at all possible earlier than the thirty (30) day extension requested, and Counsel has discussed the number of extensions in this case with Chief Appellate Defender, Robert Dudek. Counsel hopes to file this brief by March 6, 2013.


3. Counsel filed the brief of petitioner in the case of State v. Victor Smith on Monday, February 11, 2013. Counsel filed the brief of petitioner in the case of State v. Clarence J. Fishburne on Monday, February 11, 2013. Counsel filed the initial Anders brief of appellate in the case State v. Edward Martin Clarkson in the Court of Appeals Thursday, February 7, 2013. Counsel filed the brief of petitioner in the case of Roderick Bradley v. State in the Court of Appeals Thursday, February 7, 2013. Counsel had an oral argument in the case of State v. Craig Keeling in this Court Tuesday, February 5, 2013. Counsel filed the brief of petitioner in the case of Thomas McCall v. State on February 4, 2013. On January 30, 2013, Counsel had to appear in PCR Court in Lexington County as a witness in Frank Tolen v. State Counsel filed the initial brief of appellant and designation of matter in State v. Anthony Rodrickus Carter, and the brief of appellant pursuant to White v. State in State v. Ronald Black on January 28, 2013. Counsel filed the brief of appellant and record on appeal in State v. Frederick R. Chappell on January 25, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in Darryl Frierson v. State on January 10, 2013. On January 7, 2013, counsel filed the initial brief of appellant and designation of matter in State v. Cesar Portillo. 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 this 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 this Court 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 this Court, as well as the initial brief of appellant and designation of matter in the case of State v. John Wayne Brannon in this Court on December 21, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Sylvester Davis v. State in this 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.


4. Counsel respectfully requests a **final thirty day extension, until March 13, 2013**, in which to file the petition for writ of certiorari and accompanying appendix in this case based upon the above circumstances.

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

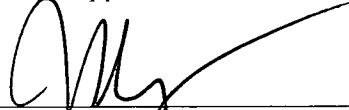
Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender

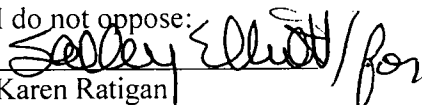


Robert M. Dudek
Chief Appellate Defender



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

February 11, 2013

I do not oppose:


Karen Ratigan