

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Dorchester County  
Diane Schafer Goodstein, Circuit Court Judge

RECEIVED  
FEB 21 2013  
SOUTH CAROLINA COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

DON-SURVI CHISOLM,

APPELLANT

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 March 25, 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. This is a murder case and involves a lengthy transcript.
2. Counsel spent **Wednesday afternoon through Friday midday; February 13-15, 2013 working in Conway on preparations for the State v. Richard Gagnon remand bond hearing after Judge Steven John granted a new trial in that case following this Court's remand. The bond hearing on February 14, 2013 resulted in Mr. Gagnon being released on \$50,000.00 bond at about noon Friday, February 15, 2013. Upon returning to Columbia, counsel, on the next business day, filed the Reply to the state's Return in the death penalty case of State v. James Robertson on Tuesday, February 19, 2013, in the Supreme Court, along with Matt Bogan of Nelson Mullins. Counsel filed the brief of Petitioner yesterday, Wednesday, February 20, 2013, in the case of State v. Juan Orozco,**

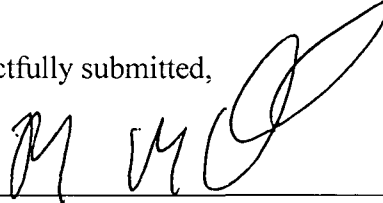
also in the Supreme Court. Counsel today, February 21, 2013 is filing a brief with this Court in the case of State v. Tremaine Davis. Counsel also plans to file the Reply to the State's Return to the Motion to Remand for a Reconstruction Hearing today, February 21, 2013, in the death penalty case of State v. Marion Bowman with the Supreme Court. Counsel tomorrow, February 22, 2013 will file a petition for writ of certiorari in the Supreme Court in the case of Jimmy Belton v. State. Outside of his extreme heavy caseload and his extensive daily duties as the Chief Appellate Defender, counsel is attempting to catch up on his workload, and become current with internal office extension rules, after two serious surgeries and subsequent medical follow-up tests and physician visits. On February 13, 2013, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Paul Reid v. State in the Supreme Court, the return to the petition for writ of certiorari in the case of State v. Richard Bill Niles, Jr. in the Supreme Court, and the petition for rehearing in the case of State v. Christopher M. Stephens with this Court. Counsel had an oral argument in the case of State v. Steven Barnes, a **death penalty** case in the Supreme Court, on February 5, 2013. Additionally, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Gene Tony Cooper in the United States Supreme Court, on February 5, 2013. Counsel filed the petition for rehearing in the case of State v. Jason Franks with this Court on January 31, 2013. 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 January 18, 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. In December, 2012, Counsel filed the return to petition for writ of certiorari in the case of James v. Helms v. State, and the petition for writ of certiorari and accompanying appendix in the case of State v. Randy Vickery (in the COA). Additionally, in December, 2012, Counsel filed the initial briefs of appellant and designations of matter in the cases of State v. Gerald Pitts, State v. Leroy Laird and State v. Tito Harris. As stated, counsel also has extensive administrative duties as the Chief Appellate Defender.

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.

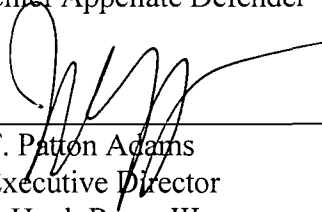
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension, until March 25, 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,



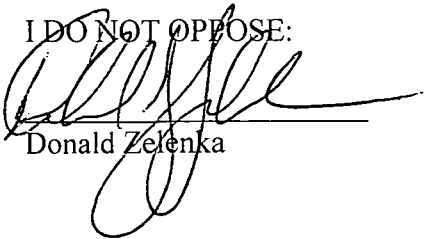
Robert M. Dudek  
Chief Appellate Defender



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

February 21, 2013

I DO NOT OPPOSE:



Donald Zelenka