

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Pickens County

Robin B. Stilwell, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

BOBBIE ALBERT MCCANN,

APPELLANT

Appellate Case No. 2012-212555

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

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The undersigned counsel respectfully requests a **final thirty day extension, until March 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.
2. Counsel has been in Horry County all day yesterday and today regarding State v. Gagnon. **Counsel regrets the necessity of this extension request. Counsel's elderly mother was in the hospital, and then needed to be moved into a nursing home for physical rehabilitation. Counsel is the power of attorney. Counsel also has had follow-up medical appointments following two different surgeries. Counsel is making every effort to become**

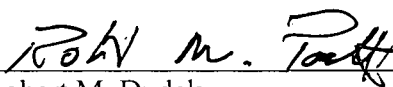
**more current after falling behind on his caseload based on the above extraordinary circumstances.** On February 13, 2013, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Paul Reid v. State in the Supreme Court, the return to the petition for writ of certiorari 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 in 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 in 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. 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. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

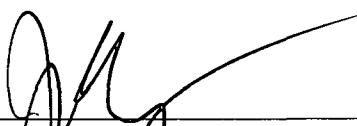
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. As indicated by her 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 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.

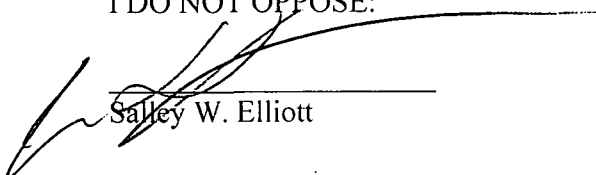
Respectfully submitted,

*for*   
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Robert M. Dudek  
Chief Appellate Defender

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

February 15, 2013

I DO NOT OPPOSE:

  
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Salley W. Elliott