

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
R. Knox McMahon, Circuit Court Judge

RECEIVED

MAR 04 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAQWAN M. JOHNSON,

APPELLANT

Appellate Case No. 2012-212696

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

The undersigned counsel respectfully requests a thirty day extension 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 an oral argument in the case of State v. Gerald Pitts in this Court today, March 4, 2013. Additionally, Counsel has an oral argument in the case of State v. Donald Petty in this Court tomorrow, March 5, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Derrick McDonald, and the reply to the return to the petition for writ of certiorari in the case of State v. Randy Vickery, both in the Supreme Court (from the COA) on March 1, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Fred Madden in this Court on February 26, 2013.

Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jimmy Belton v. State in the Supreme Court on February 22, 2013. Additionally, Counsel filed the Anders brief of appellant in the case of State v. Baby Ray Padgett in this Court on February 22, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tremaine Davis in this Court on February 21, 2012. Counsel filed the brief of petitioner in the case of State v. Juan Orozco in the Supreme Court on February 20, 2013. Counsel filed the reply to the return to the petition for writ of certiorari in the case of James Robertson v. State, a **death penalty** case in the Supreme Court (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm) on February 19, 2013. Counsel was in Conway February 13-15, 2013 working 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. 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

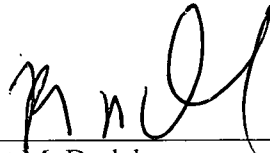
Supreme Court on January 7, 2013. **Counsel also has extensive administrative duties as the Chief Appellate Defender.**

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.

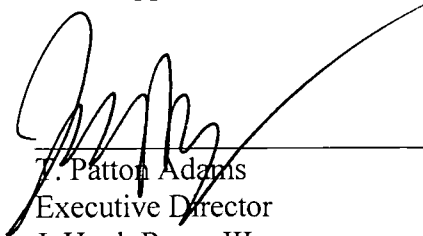
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. 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



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

March 4, 2013

I DO NOT OPPOSE:



Donald Zelenka