

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Jasper County
Perry M. Buckner, Circuit Court Judge

RECEIVED
MAR 11 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

BRETT HOWARD,

APPELLANT

APPELLATE CASE NO. 2012-212059

PETITION FOR EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Brett Howard petitions the Court for a **final thirty day extension, until April 11, 2013** in which to file the initial brief of appellant and designation of matter in this case. In support of this petition, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today. Counsel has had four extensions in this case.
2. Counsel for Mr. Howard respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. Counsel filed the Anders brief of appellant and record on appeal in the case of Allen Worthy v. State in this Court on Friday, March 8, 2013. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Shazjuan S. Shabazz

v. State in the Supreme Court on Friday, March 1, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Joseph Lathan Kelly (in the COA) in this Court. Counsel filed the Anders brief of appellant and record on appeal in the case State v. Jakevian Pulley in this Court on Wednesday, February 27, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Julio Angelo Hunsberger in this Court on Friday, February 22, 2013. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Herman Donald McKnight v. State in the Supreme Court on Tuesday, February 19, 2013. Counsel filed the brief of petitioner in the case of In the Interest of Cleo B., in this Court on Thursday, February 14, 2013. Counsel filed the Anders brief of appellant and record on appeal in the case of Victor Smith v. State in this Court on Monday, February 11, 2013. Counsel filed the initial brief of appellant in the case of Clarence J. Fishburne v. State in this Court on Monday, February 11, 2013. Counsel filed the Anders brief of appellant and record on appeal in the case State v. Edward Martin Clarkson in this Court on Thursday, February 7, 2013. Counsel filed the brief of petitioner in the case of Roderick Bradley v. State in this Court on Thursday, February 7, 2013. Counsel had an oral argument in the case of State v. Craig Keeling in this Court on Tuesday, February 5, 2013. Counsel filed the brief of petitioner in the case of Thomas McCall v. State in the Supreme Court 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 in State v. Anthony Rodrickus Carter in this Court. Counsel filed the brief of appellant pursuant to White v. State in State v. Ronald Black in this Court on January 28, 2013. Counsel filed the brief of appellant and record on appeal in State v. Frederick R. Chappell in this Court on January 25, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in Darryl Frierson v. State in

the Supreme Court on January 10, 2013.


4. Counsel has not had time to complete the initial brief of appellant and designation of matter in this case. As a result, counsel respectfully asks this Court for a thirty day extension, in which to file the initial brief of appellant and designation of matter. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

5. As indicated by signature below, Salley Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

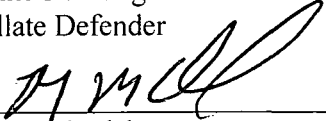
6. Counsel makes this request in good faith and not for purposes of delay.

Counsel respectfully requests a **final thirty day extension, until April 11, 2013** in which to file the initial brief of appellant and designation of matter in this case based upon the above circumstances.

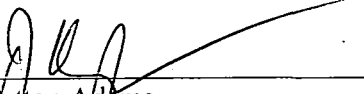
Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



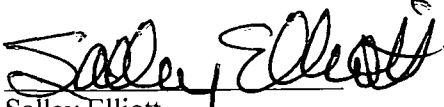
Robert M. Dudek
Chief Appellate Defender



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

March 11, 2013

I do not oppose:



Salley Elliott