

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Aiken County  
Doyet A. Early, III, Circuit Court Judge

RECEIVED  
MAR 27 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MAURICE CULBREATH,

APPELLANT

Appellate Case No. 2012-212747

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 is working on the initial brief of appellant and designation of matter in the case of State v. Don-Survi Chisolm. Counsel is also attempting to find federal habeas counsel for his client following the release of the opinion in the **death penalty** case of State v. Brad Sigmon on Wednesday, March 29, 2013, and also determining whether to file a petition for writ of certiorari in the United States Supreme Court. Counsel attended and presented at the Best

Practices Seminar in Charleston on March 25, 2013, sponsored by the South Carolina Commission on Indigent Defense. Counsel filed the initial briefs of appellant and designations of matter in the cases of State v. Calvin Prince and State v. Patrick Guess in this Court on March 18, 2013. Counsel filed the return to the state's rehearing petition in the **death penalty** case of State v. Raymondeze Rivera in the Supreme Court on March 15, 2013. Additionally on March 15, 2013, Counsel filed the brief of appellant in the case of State v. Nicholas Brannon in this Court. Counsel filed the petition for rehearing in the **death penalty** case of State v. Stephen Christopher Stanko in the Supreme Court on March 14, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Phillip Shuler in this Court on March 8, 2013. Counsel filed the petition for rehearing in the case of State v. Kendrick Taylor in this Court on March 7, 2013. Counsel had an oral argument in the case of State v. Donald Petty in this Court on March 5, 2013. Counsel had an oral argument in the case of State v. Gerald Pitts in this Court on March 4, 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 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

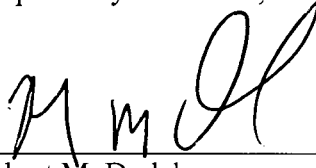
Court (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm) on February 19, 2013. Counsel was in Conway February 13-15, 2013 working on preparations for the State v. Richard Gagnon remand bond hearing after Judge Steven John granted a new trial in that case following this Court's remand. 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 the Court of Appeals. 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 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.

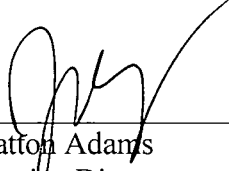
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

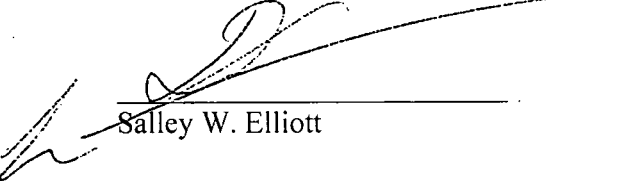


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T. Patton Adams  
Executive Director  
J. Hugh Ryan, III  
General Counsel

March 27, 2013

I DO NOT OPPOSE:



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Salley W. Elliott