

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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APR 11 2013

SC Court of Appeals

Appeal from Jasper County

Perry M. Buckner, Circuit Court Judge

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 May 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 will file the brief with this Court, if possible, earlier than the thirty (30) day extension requested, and Counsel has discussed the number of extensions in this case with Chief Appellate Defender, Robert Dudek. Counsel expects to file this brief by May 2, 2013, and hopefully even earlier.**

2. Counsel for Mr. Howard respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.

3. Counsel had an oral argument in the case of James Bowers v. State in the Court of Appeals on Tuesday, April 9, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robin Reese in this Court on Thursday, April 4, 2013. Counsel had an oral argument in the case of State v. Todd Smith in this Court on Thursday, April 3, 2013. Counsel had an oral argument in the case of State v. Jeffrey Herman in this Court on Tuesday, April 2, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Larry Bradley Brayboy in the Supreme Court on Wednesday, March 27, 2013. Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of State v. Danny Ryant in the Supreme Court and Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Marion Stewart in the Supreme Court. Counsel filed the brief of appellant pursuant to White v. State in State v. Jamal Lindsey in this Court on March 21, 2013; counsel also filed the petition for writ of certiorari and accompanying appendix in the case of State v. Jamal Lindsey in the Supreme Court. Counsel filed the Anders brief of appellant and record on appeal in the case of Scott Lee v. State in this Court on Wednesday, March 13, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. John B. Campbell in the Supreme Court on Monday, March 11, 2013. 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 this Court. Counsel filed the Anders brief of appellant and record on appeal in the case State v. Jakevian Pulley in the Court of Appeals 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.

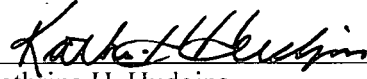
4. Counsel has not had time to complete the initial brief of appellant and designation of matter in this case. As a result, counsel respectfully asks this Court for a thirty day extension, in which to file the initial brief of appellant and designation of matter. Counsel is striving to limit the number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

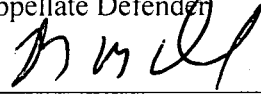
6. Counsel makes this request in good faith and not for purposes of delay.

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

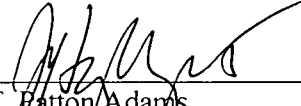
Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



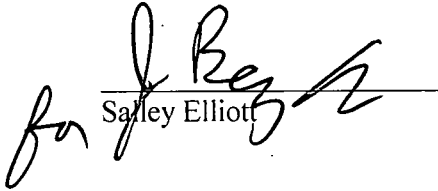
Robert M. Dudek
Chief Appellate Defender



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

April 11, 2013

I do not oppose:



Sally Elliott