

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Laurens County

Thomas A. Russo, Circuit Court Judge

RECEIVED

APR 11 2013

S.C. Supreme Court

DOMINIQUE BROWN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-212940

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a thirty day extension in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today.
2. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jevon Brown in the Court of Appeals yesterday, April 10, 2013. Counsel filed the petition for rehearing in the **death penalty** case of State v. Brad Sigmon in this Court on April 4,

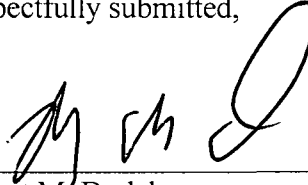
2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Asherdon Holloway in the Court of Appeals on April 3, 2013. Counsel had an oral argument in the case of State v. Andre Tayson Boone in the Court of Appeals on April 1, 2013. In addition, Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Frankie Williams v. State in this Court on April 1, 2013. 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 the Court of Appeals 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 this 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 the Court of Appeals. Counsel filed the petition for rehearing in the **death penalty** case of State v. Stephen Christopher Stanko in this 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 the Court of Appeals on March 8, 2013. Counsel filed the petition for rehearing in the case of State v. Kendrick Taylor in the Court of Appeals on March 7, 2013. Counsel had an oral argument in the case of State v. Donald Petty in the Court of Appeals on March 5, 2013. Counsel had an oral argument in the case of State v. Gerald Pitts in the Court of Appeals 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 this 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 the Court of Appeals on February 26, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jimmy Belton v. State in this Court on February 22, 2013.

Additionally, Counsel filed the brief of appellant in the case of State v. Baby Ray Padgett in the Court of Appeals on February 22, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tremaine Davis in the Court of Appeals on February 21, 2012. Counsel filed the brief of petitioner in the case of State v. Juan Orozco in this 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 this 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 the Court of Appeals' 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 this Court, the return to the petition for writ of certiorari in the case of State v. Richard Bill Niles, Jr. in this 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 this 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.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. M. Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

April 11, 2013

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IN THE SUPREME COURT

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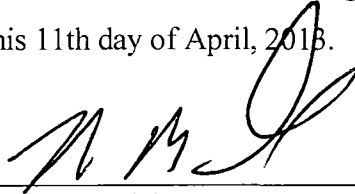
STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-212940

CERTIFICATE OF SERVICE

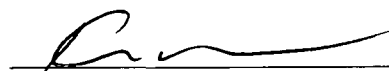
The undersigned attorney hereby certifies that a true copy of the petition for extension to file petition for writ of certiorari and accompanying appendix in the above referenced case has been served upon J. Rutledge Johnson, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 11th day of April, 2013.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 11th day of April, 2013.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: October 2, 2013.