

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

Robin B. Stilwell, Circuit Court Judge

RECEIVED

APR 17 2013

SC COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

BOBBIE ALBERT MCCANN,

APPELLANT

Appellate Case No. 2012-212555

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

The undersigned counsel respectfully requests a **final thirty day extension, until May 17, 2013**, 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 had to dedicate an **abundance of time to the interviewing process** to replace **outgoing Appellate Defender Dayne Phillips**. **Carman Ganjehsani was hired to replace Mr. Phillips and she began working for the Appellate Division on April 9, 2013**. In addition, Counsel is currently seeking someone to fill an administrative assistant position within our office as soon as possible, and has **devoted time to that interviewing process also**.

Counsel is working on and hopes to file the initial brief of appellant and designation of matter in the murder case of State v. Edward W. Stackhouse in this Court on Monday, April 15, 2013. Counsel had an oral argument in the case of State v. David Lewis in the Supreme Court yesterday, April 16, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jevon Brown in this Court on April 10, 2013. Counsel filed the petition for rehearing in the **death penalty** case of State v. Brad Sigmon in the Supreme 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 this Court on April 3, 2013. Counsel had an oral argument in the case of State v. Andre Tayson Boone in this Court 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 the Supreme 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 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, and then a motion for a stay of execution to allow counsel time to file a petition for writ of certiorari in the United States Supreme Court. 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

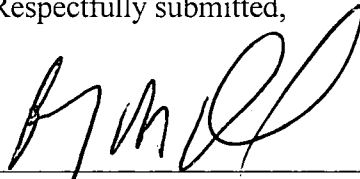
the petition for writ of certiorari and accompanying appendix in the case of State v. Derrick McDonald, and the reply to the return to the petition for writ of certiorari in the case of State v. Randy Vickery, both in the Supreme Court (from the COA) on March 1, 2013. Counsel filed the initial brief 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 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 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 **final thirty day extension, until May 17, 2013**. 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,



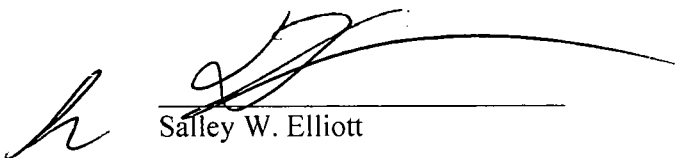
Robert M. Dudek
Chief Appellate Defender



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

April 17, 2013

I DO NOT OPPOSE:


Salley W. Elliott