

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

RECEIVED

Certiorari to Lexington County  
R. Knox McMahon, Circuit Court Judge

APR 24 2013

S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

BEULAH BUTLER,

PETITIONER

Appellate Case No. 2011-194608

PETITION FOR EXTENSION TO FILE  
THE BRIEF OF PETITIONER

The undersigned counsel respectfully requests a thirty day extension in which to file the brief of petitioner in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The brief of petitioner in this case is due to be served and filed today.
2. Counsel is working on and plans to file the initial brief of appellant and designation of matter in the case of State v. Victor White in the Court of Appeals today, April 24, 2013. Counsel will also attempt to file the brief and designation of matter in the cases of State v. Jefferson Terry and State v. Mark Peters within the next couple of days. Counsel filed the petitioner's reply brief in the case of Gene Tony Cooper v. State in the United States Supreme Court yesterday, April 23, 2013. Counsel had an oral argument in the case of In the Interest of David L., a Minor Under the Age of Seventeen (with co-counsel Charles Grose) in this Court on April 16, 2013. Counsel filed the initial brief of appellant and designation of

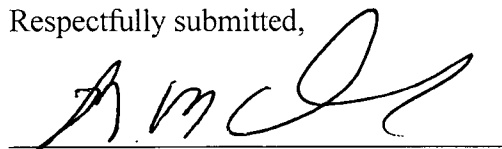
matter in the case of State v. Jevon Brown in the Court of Appeals on April 10, 2013. Counsel filed the petition for rehearing in the **death penalty** case of State v. Brad Sigmon in this Court on April 4, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State 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. In February, 2013 Counsel filed the initial briefs of appellant and designations of matter in the cases of State v. Fred Madden and State v. Tremainne Davis, and the petitions for writ of certiorari and

accompanying appendices in the cases of Jimmy Belton v. State and Paul Reid v. State. Additionally, in February, 2013, Counsel filed the brief of appellant in the case of State v. Baby Ray Padgett, the brief of petitioner in the case of State v. Juan Orozco, the reply to the return to the petition for writ of certiorari in the case of James Robertson v. State, a **death penalty** case (with Co-Counsel Matt Bogan, pro bono, of the Nelson Mullins firm), the return to the petition for writ of certiorari in the case of State v. Richard Bill Niles, Jr., the petition for rehearing in the case of State v. Christopher M. Stephens, and the petition for writ of certiorari and accompanying appendix in the case of State v. Gene Tony Cooper in the United States Supreme Court. Counsel also had an oral argument in the case of State v. Steven Barnes, a **death penalty** case in this Court, and a remand bond hearing for the State v. Richard Gagnon after Judge Steven John granted a new trial in that case following the Court of Appeals' remand. **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 brief of petitioner be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek  
Chief Appellate Defender

April 24, 2013

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Lexington County  
R. Knox McMahon, Circuit Court Judge

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THE STATE,

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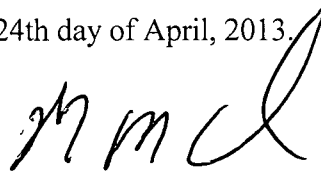
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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the petition for extension to file the brief of petitioner in the above referenced case has been served upon Mark R. Farthing, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, and upon the S.C. Court of Appeals, this 24th day of April, 2013.




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Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me  
this 24th day of April, 2013.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: October 2, 2013.