

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Richland County

J. Ernest Kinard, Jr., Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

MAY 15 2013

**S.C. Supreme Court**

JIMMY D PORTEE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-213469

\_\_\_\_\_  
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 is currently working on a death penalty case in Marion Bowman v. State.

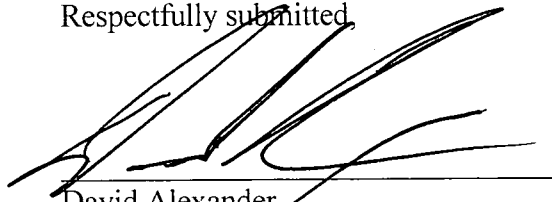
Counsel had an oral argument in the case of State v. Darren Scott in the Court of Appeals on Wednesday, May 15, 2013. Counsel filed the Brief of Respondent accompanying appendix in this Court in State v. Robert Watkins on Wednesday May 8, 2013. On Monday, May 6, 2013, counsel filed the Brief of Appellant in this Court in Richard Sims v. State. Counsel had an oral argument in the case of State v. James Miller in this Court on Thursday, May 2, 2013. Counsel had an oral argument in the case of State v. Paris Avery in this Court on Tuesday, April 30, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Terrence A. Baker v. State and James Corbett v. State both in this Court on Monday, April 29, 2013. Counsel filed a **Petition for Writ of Certiorari with the United States Supreme Court** in the case of Danny Brown v. State of South Carolina on Tuesday, April 23, 2013. On Friday, April 12, 2013, counsel filed the brief of appellant and designation of matter in State v. Steven Kranendonk in the Court of Appeals. On Thursday April 11, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of John Barbare v. State in this Court. On Wednesday, April 10, 2013, counsel filed the brief of appellant and designation of matter in State v. Tyris Bernard Glover in this Court. On Monday April, 8 2013, counsel filed the initial brief of appellant and designation of matter In the interest of Bryson W., A Minor in the Court of Appeals. On Thursday, April 4, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Angel Gonzales v. State in this Court. On Monday, March 25, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jeffery Augustine v. State in this Court. On Friday, March 22, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Boyce Lee Nesbitt v. State in this Court. On Thursday March 21, 2013, counsel filed the initial brief of appellant and designation of matter in In the interest of Tyairy G., A Minor in the Court of Appeals. On Friday, March 15, 2013, counsel filed the brief of appellant and record on appeal in State v. Antwon Byars in the Court of Appeals. Counsel also filed the initial

brief of appellant and designation of matter in State v. Henry Gray in the Court of Appeals. On Monday, March 11, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Adrian A. Allen v. State in this Court. Wednesday, March 6, 2013, counsel filed the brief of appellant and record on appeal in State v. Kurt Kalani Sparks in the Court of Appeals. On Friday, March 1, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Sherman Dewalt v. State in this Court.

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 be 'DAVID ALEXANDER', written over a horizontal line.

David Alexander  
Appellate Defender

May 15, 2013

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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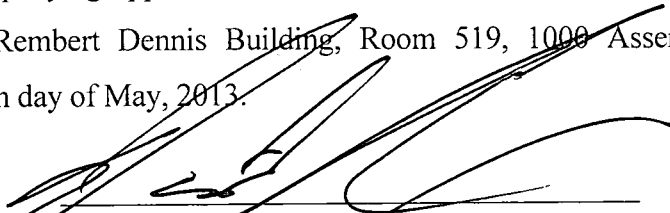
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APPELLATE CASE NO. 2012-213469

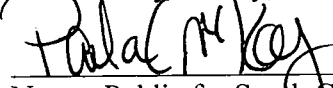
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CERTIFICATE OF SERVICE  
\_\_\_\_\_

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 Robert D. Corney, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201 this 15th day of May, 2013.

  
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David Alexander  
Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me  
this 15th day of May, 2013.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 24, 2022.