

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenwood County  
R. Knox McMahon, Circuit Court Judge

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ORIGINAL  
RECEIVED  
MAY 24 2013  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

WHITNEY SPAN,

APPELLANT

APPELLATE CASE NO. 2012-212578

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MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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Counsel for Whitney Spann respectfully requests an extension of thirty (30) days in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today, May 24, 2013. The Court has granted counsel two previous extensions.
2. Counsel for Ms. Spann respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.
3. Today, counsel will file an Anders brief of appellant and designation of matter and record on appeal in State v. Juwan Darnell Lomax in this Court; and counsel will file a petition for writ of certiorari and accompanying appendix in Waddell McGhee v. State with the Supreme Court. On May

16, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in James Randolph Frady v. State in the Supreme Court. On May 14, 2013, counsel held an oral argument in State v. Brittany Johnson before this Court. On May 13, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Billy Nathan Lee v. State with the Supreme Court. On May 7, 2013, counsel held oral arguments in State v. Ronald McCauley and State v. Christopher Murray before this Court. On April 26, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Jonathan Byers v. State in the Supreme Court. On April 25, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in West Webb Mitchum v. State in the Supreme Court. On April 15, 2013, counsel filed a brief of appellant and designation of matter in State v. Ricky Bowman in this Court. On April 9, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Montag Webb v. State in the Supreme Court. On April 8, 2013, counsel filed a brief of appellant and record on appeal in State v. Jabbarie Brown in this Court. On April 2, 2013, counsel held an oral argument in State v. Brandon Rogers before this Court. On April 1, 2013, counsel filed a brief of appellant and record on appeal in State v. Eric Shoddy in this Court; and counsel filed a petition for writ of certiorari and accompanying appendix, along with a petition for writ of certiorari pursuant to Austin v. State in Randy Bryant v. State in the Supreme Court. On March 22, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix in Antonio Lamont Boykin v. State in the Supreme Court; and counsel filed a Johnson petition for writ of certiorari and accompanying appendix in David Fitch v. State with the Supreme Court. On March 8, 2013, counsel filed the brief of appellant and designation of matter in State v. Crystal Nicole Thomas with this Court. On March 6, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Eugene Santiago v. State in the Supreme Court. On March 5, 2013, counsel held oral arguments in State v. Christopher Watson, and in State v. Joseph Cobb, before this Court. On February 27, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Martina R. Putnam v. State in the Supreme Court. On February 20, 2013, counsel filed the petition for writ of

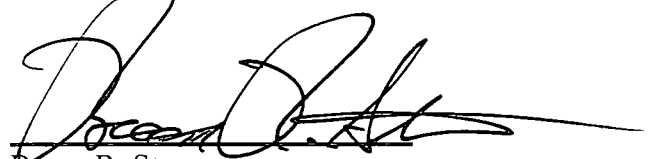
certiorari and accompanying appendix in Octavious C. Neely v. State in the Supreme Court. On February 15, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Islam Dunn v. State in the Supreme Court. On February 13, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Robert Bostic v. State in the Supreme Court.

4. Counsel makes this request in good faith and not for purpose 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.

5. Counsel for the Attorney General's office consents to this request shown by signature below.

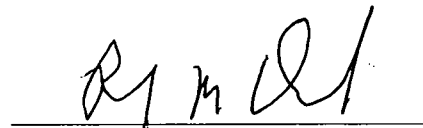
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Breen R. Stevens  
Appellate Defender

Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender

This 24th day of May, 2013

I consent:



for Salley Elliott, Esquire