

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Certiorari to Richland County

G. Thomas Cooper, Jr., Circuit Court Judge

RECEIVED

JUN 03 2013

THE STATE,

SC Court of Appeals

RESPONDENT,

V.

FORREST KELLY SAMPLES,

APPELLANT

APPELLATE CASE NO. 2012-212342

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

Counsel for Forrest Kelly Samples respectfully requests an extension of **thirty (30) days until July 3, 2013**, to file the initial brief of appellant and designation of matter in this case. **Counsel will file the brief with this Court, if possible, earlier than the thirty (30) day extension requested, and Counsel has discussed the number of extensions in this case with Chief Appellate Defender, Robert Dudek. Counsel expects to file this brief by June 14, 2012.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter is due to be served and filed with the Court today. **Counsel had requested a prior extension that she intended to be the last; however, counsel is unable to comply with that order due to her current caseload and other exceptional circumstances.**

2. Counsel makes this request in good faith and not for purpose of delay. Counsel respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time for counsel to ethically represent her clients and to protect their rights on appeal. Given the number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. Counsel is currently preparing to handle the oral argument in The State v. David Tyre scheduled for June 5, 2013 in this Court. Counsel is also planning to file the Initial Appellant's Brief in The State v. James C. Tyner on June 7, 2013, as well as the Petition for Writ of Certiorari in the S.C. Supreme Court in the case of Bobby M. Shaw v. The State on June 7, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Curtis McKie with this Court on May 29, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Andre Green with this Court on May 28, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jamario Q. Jones with this Court on May 20, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Antonio Lee Dodd with this Court on May 16, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Erick E. Hewins in this Court on May 13, 2013. Counsel had an oral argument in the case of State v. Michael Avery Humphrey in this Court on May 8, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Marcus Daniel Allison in this Court on May 6, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of and Gary Waiters v. State in the Supreme Court on May 2, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Mable Lee-Bey v. State in the Supreme Court on May 1, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jerry Whitfield v. State in the Supreme Court on April 24, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Donald Anderson in this Court on April 19, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Eric LaGeorge Mouzon

v. State in the Supreme Court on April 16, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Little Johnny Lee Mackey v. State in the Supreme Court on April 12, 2013.

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.

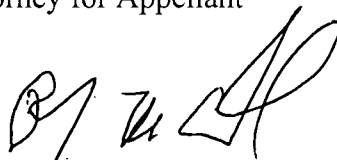
WHEREFORE, the undersigned counsel would respectfully request a **sixth final thirty (30) day extension until July 3, 2013**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

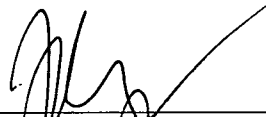


Carmen V. Ganjehsani
Appellate Defender

Attorney for Appellant



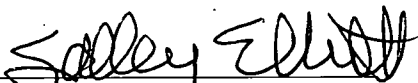
Robert M. Dudek
Chief Appellate Defender



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

This 3rd day of June, 2013.

I consent:



Salley W. Elliott, Esquire