

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Beaufort County

Diane Schafer Goodstein, Circuit Court Judge  
\_\_\_\_\_

RECEIVED  
JUN 05 2013  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JABARI LINNEN,

APPELLANT

APPELLATE CASE NO. 2012-213026  
\_\_\_\_\_

MOTION TO FILE THE PETITION FOR EXTENSION  
OF TIME TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER OUT OF TIME  
\_\_\_\_\_

Counsel for Jabari Linnen petitions the Court to allow late filing of the petition for a thirty day extension, 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 were due to be served and filed on May 20, 2013, having been extended by two prior orders of this Court.
2. *Due to a recent administrative assistant oversight, the filing deadline for this initial brief was not put on Counsel's calendar, and was therefore overlooked.*
3. 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 this Court on Wednesday,

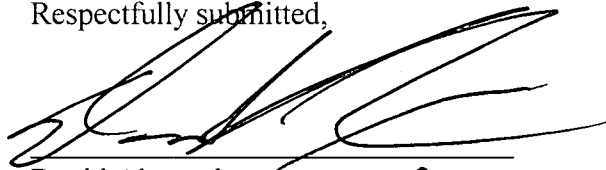
May 15, 2013. On Wednesday, May 8, 2013, counsel filed the Brief of Respondent and accompanying appendix with the Supreme Court in State v. Robert Watkins. On Monday, May 6, 2013, counsel filed the Brief of Appellant with the Supreme Court in Richard Sims v. State. Counsel had an oral argument in the case of State v. James Miller in the Supreme Court on Thursday, May 2, 2013. Counsel had an oral argument in the case of State v. Paris Avery in the Supreme 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 the Supreme 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 this Court. 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 the Supreme 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 this Court. 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 the Supreme 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 the Supreme Court.

4. 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.

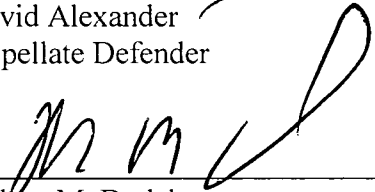
5. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel respectfully requests that the Court grant counsel's request to relax Rule 263(b), SCACR, and allow leave in which to file the petition for a thirty day extension, out of time. 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,



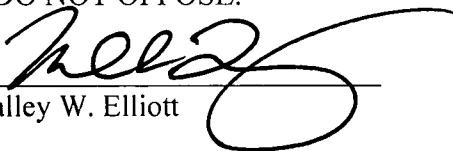
David Alexander  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

June 5, 2013

I DO NOT OPPOSE:

*for*   
Salley W. Elliott