

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Berkeley County

Kristi Lea Harrington, Circuit Court Judge

RECEIVED
JUN 14 2013
SC COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

MICHAEL C. ANDES,

APPELLANT

APPELLATE CASE NO. 2011-204706

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

Counsel for Michael C. Andes respectfully requests a **final extension of thirty (30) days until July 15, 2013**, 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 final 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, June 14, 2013. The Court has granted counsel five previous extensions.

2. Counsel 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.

However, this is undersigned counsel's first extension request in this case.

3. This case was assigned to Breen Stevens, whose last day with the Appellate Division was Friday, May 24, 2013. Undersigned counsel assumed Mr. Stevens' caseload effective May 28,

2013, and has been reassigned to handle the present case. On June 3, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Howard Thompson, III v. State with this Court. On May 31, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Charles Gamble v. State with this 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 a **final thirty (30) day extension until July 15, 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,

for Roll m. Tripp
Benjamin J. Tripp
Appellate Defender

Attorney for Appellant

Robert M. Dudek
Robert M. Dudek
Chief Appellate Defender

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

This 14th day of June 2013.

I consent:

Salley W. Elliott
Salley W. Elliott