

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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ORIGINAL

Appeal from Marion County  
William H. Seals, Jr., Circuit Court Judge

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THE STATE,

RESPONDENT,

RECEIVED  
JUN 24 2013  
JUN 24 2013  
SC Court of Appeals  
SC Court of Appeals

v.

DARRELL LEE BIRCH,

APPELLANT

APPELLATE CASE NO. 2012-213215

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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 Darrell Lee Birch 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 fourth 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. The Court has granted counsel three previous extensions.
2. Counsel for Darrell Lee Birch 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 her caseload, counsel hopes that no further extension requests will be required.
3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Christopher Miller with this Court on June 19, 2013. Counsel filed the Johnson

petition for writ of certiorari and accompanying appendix in the case of Benjamin Davis v. State of South Carolina with the Supreme Court on June 19, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Derek S. Carter v. State of South Carolina with the Supreme Court on June 14, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Carlos Lamonte McJimpsey with this Court on June 12, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Taurus L. Thompson with this Court on June 12, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. James Tyner with this Court on June 7, 2013. Counsel had an oral argument in the case of The State v. David Tyre in the Court of Appeals on June 5, 2013. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Bobby M. Shaw v. The State with the Supreme Court on June 5, 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 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,



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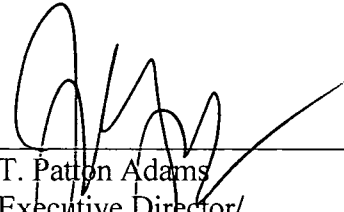
Carmen V. Ganjehsani  
Appellate Defender

Attorney for Appellant



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Robert M. Dudek  
Chief Appellate Defender

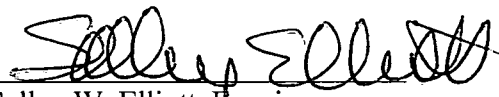


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T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

This 24<sup>th</sup> day of June, 2013.

I consent:



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Salley W. Elliott, Esquire