

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Charleston County
J. C. Buddy Nicholson, Jr., Circuit Court Judge

RECEIVED

JUL 19 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

FREDERICK L. FLOWERS,

APPELLANT

APPELLATE CASE NO. 2012-212907

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

Counsel for Frederick L. Flowers respectfully requests a **final five (5) business day extension until July 26, 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. The Court has granted counsel five previous extensions. **Counsel had requested a prior extension he intended to be the last but subsequent events—including being stranded in Fort Lauderdale, Florida Monday, July 15, 2013, and working on an initial brief of appellant and designation of matter which is on a deadline—prevented counsel from meeting this deadline. Counsel understands that this extension request is above the internal rules for**

requesting an extension. Counsel has discussed this matter with the Chief Appellate Defender. Counsel will file the merit brief within five days.

2. 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. Today, counsel will file a brief of petitioner on the merits and designation of matter in State v. Michael C. Andes with this Court. On July 12, 2013, counsel filed an Anders brief of appellant and record on appeal in State v. Billy Roy Boyd with this Court. On July 8, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Carl B. Craine v. State with the Supreme Court. On June 28, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Joy Mack v. State with the Supreme Court; and counsel filed an Anders brief of appellant and record on appeal in State v. Jamaal Riley with this Court. On June 26, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix on State v. Brandon Lav'ar Johnson with the Supreme Court. On June 3, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Howard Thompson, III v. State with the Supreme Court. On May 31, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Charles Gamble v. State with the Supreme Court.

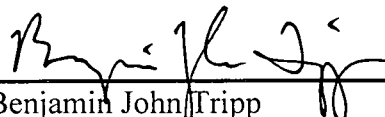
3. Counsel for Mr. Flowers respectfully submits that extraordinary circumstances exist that warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

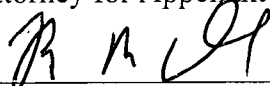
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

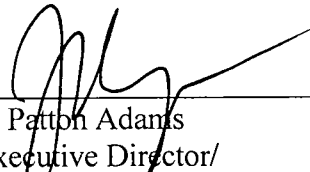
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final five (5) business day extension until July 26, 2013**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel understands that this extension request is above the internal rules for requesting an extension. Counsel will file the merit brief within five days

Respectfully submitted,

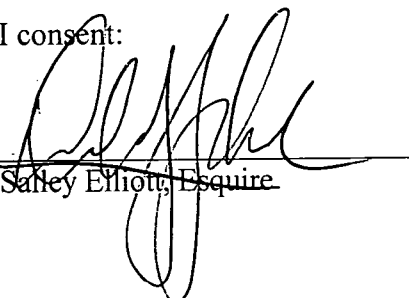

Benjamin John Tripp
Appellate Defender

Attorney for Appellant

Robert M. Dudek
Chief Appellate Defender


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

This 19th day of July, 2012.

I consent:


Sailey Elliott, Esquire