

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Certiorari to Marion County

William H. Seals, Jr., Circuit Court Judge  
\_\_\_\_\_

RECEIVED  
JUL 24 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DARRELL LEE BIRCH,

APPELLANT

APPELLATE CASE NO. 2012-213215  
\_\_\_\_\_

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

Counsel for Darrell Lee Birch respectfully requests a **final thirty (30) day extension, until August 23, 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 fifth 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 four 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 petition for writ of certiorari in the case of Donald C. Brevard v. State of South Carolina with this Court on July 17, 2013. Counsel filed the petition for rehearing in the case of The State

v. Richard Burton Beekman with this Court on July 11, 2013. Counsel filed the petition for rehearing in the case of The State v. David Tyre with this Court on July 11, 2013. Counsel filed the Brief of Appellant in the case of The State v. Tina Dockery in this Court on July 9, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Roosevelt Kadeem Workman with this Court on July 5, 2013. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Randy Jennings v. State of South Carolina with the Supreme Court on July 5, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Forrest Kelly Samples with this Court on June 28, 2013. 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 this Court 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.

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.

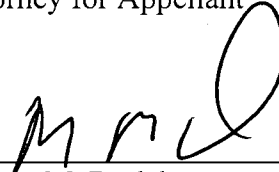
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until August 23, 2013**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

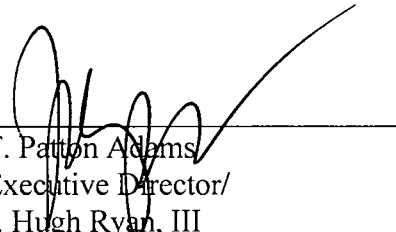


Carmen V. Ganjehsani  
Appellate Defender

Attorney for Appellant



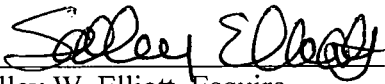
Robert M. Dudek  
Chief Appellate Defender



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

This 24th day of July, 2013.

I consent:



Salley W. Elliott, Esquire