

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Williamsburg County

George C. James, Jr., Circuit Court Judge

RECEIVED

JUL 29 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANDRE WALLACE

APPELLANT

APPELLATE CASE NO. 2012-212937

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

Counsel 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 third 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, July 29, 2013. The Court has granted counsel two 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.


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. Today, counsel will file a brief appellant and designation of matter in State v. Kenneth Odell Jackson with this Court. On July 26, 2013, counsel filed an Anders brief of appellant and record on appeal in State v. Frederick Flowers with this Court. On July 22, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in John G. Kimble v. State with the Supreme Court. On July 19, 2013, counsel filed a brief of appellant 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.

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.

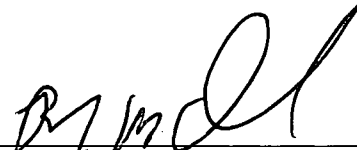
5. Counsel for the Attorney General's office consents to this request shown by signature below.

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,

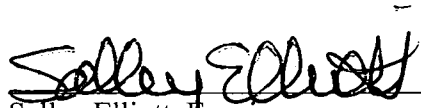

Benjamin J. Tripp
Appellate Defender

Attorney for Appellant


Robert M. Dudek
Chief Appellate Defender

This 29th day of July, 2013

I consent:


Salley Elliott, Esquire