

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Letitia H. Verdin, Circuit Court Judge

RECEIVED
AUG 23 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

BRIAN KEITH BYRD,

APPELLANT

APPELLATE CASE NO. 2012-213478

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER IN THIS **POOL CASE**

The undersigned counsel respectfully requests an extension consistent with the rules for **Pool Cases** in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today. I have discussed this case with the Chief Attorney and this will be a Rule 608 and CLE credit **Pool Case**. **I understand that this extension request for the New Pool Attorney will be until December 2, 2013.**

2. Counsel is filing today the initial brief of appellant and designation of matter in the case of The State v. Donna Lynn Phillips with this Court. Counsel is also filing today the

petition for writ of certiorari to the Court of Appeals in the case of The State v. Eugene D. Patterson with the Supreme Court. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Alonza Dennis with the Supreme Court on August 21, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of George Grant, Jr. v. State of South Carolina with the Supreme Court on August 21, 2013. Counsel filed the petition for rehearing in the case of In the Matter of the Care and Treatment of Christopher Taft with this Court on August 20, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Robert Frank Grant v. State of South Carolina with the Supreme Court on August 16, 2013. Counsel filed the petition for rehearing in the case of In the Matter of the Care and Treatment of Bobby Russell with this Court on August 15, 2013. Counsel filed the petition for writ of certiorari pursuant to Austin v. State and accompanying appendix in the case of Braheim J. Hill v. State of South Carolina with the Supreme Court on August 7, 2013. Counsel filed the amended initial brief of appellant and designation of matter in the case of In the Interest of Shemar V., a Minor with this Court on August 2, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kelvin Pearson v. State of South Carolina with the Supreme Court on August 2, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of In the Interest of Shemar V., a Minor with this Court on July 31, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Leon Walker v. State of South Carolina with the Supreme Court on July 30, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jonathan Lisle v. State of South Carolina with the Supreme Court on July 30, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Ivan Aiken v. State of South Carolina with the Supreme Court on July 26, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Timothy Edward

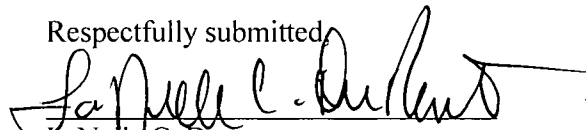
Stahlnecker v. State of South Carolina with the Supreme Court on July 26, 2013. Counsel filed the petition for rehearing in the case of The State v. John Peter Barnes with this Court on July 25, 2013. Counsel filed the petition for rehearing in the case of The State v. David Jakes with this Court on July 25, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Douglas J. Mayes, with this Court on July 24, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of David Lee Rose v. State of South Carolina with the Supreme Court on July 22, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Henry Lee Bradley v. State of South Carolina with the Supreme Court on July 16, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Keeon Butler with this Court, on July 10, 2013. Counsel filed a petition for writ of certiorari and accompanying appendix in the case of Stanley Bradley v. State of South Carolina with the Supreme Court on July 8, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Roderick Pope, with this Court on July 2, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Christopher Dean Johnson v. State of South Carolina with the Supreme Court on July 2, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Christopher Dale Shirley v. State of South Carolina with the Supreme Court on July 2, 2013. Counsel filed the petition for rehearing in the case of The State v. Daniel Rogers with this Court on June 27, 2013.

3. This request is made in good faith, and not for purposes 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.

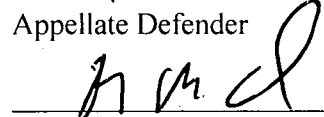
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request an extension consistent with the rules for **Pool Cases**. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

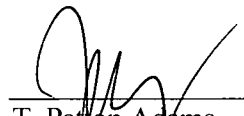
Respectfully submitted,



LaNelle C. Durant
Appellate Defender



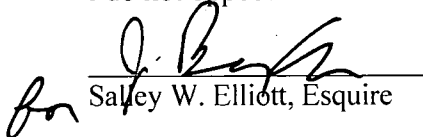
Robert M. Dudek
Chief Appellate Defender



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

August 23rd, 2013

I do not oppose:



Salley W. Elliott, Esquire