

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lancaster County

Brooks P. Goldsmith, Circuit Court Judge

RECEIVED

SEP 04 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

DERRICK A. MCILWAIN,

APPELLANT

APPELLATE CASE NO. 2013-000373

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

The undersigned counsel would respectfully request and 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.**

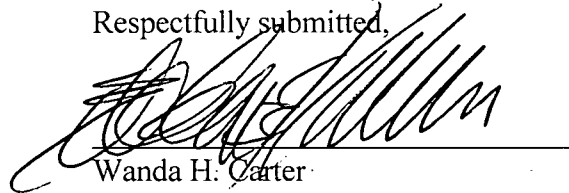
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Patrick Spigner v. State in the Supreme Court on September 3, 2013. Counsel filed the

petition for writ of certiorari and accompanying appendix in the case of Standford Brown v. State in the Supreme Court August 30, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Mason Johnson v. State with the Supreme Court on August 16, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Willie Green v. State in the Supreme Court on August 16, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of John Stanford Johnson v. State with the Supreme Court on August 13, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Daniel Brown v. State with the Supreme Court on August 7, 2013. Counsel filed the record on appeal in the case of State v. Robert Lee, Jr. with the Court of Appeals on or August 7, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Christopher Ryan Holliday with in this Court on July 29, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Willliam Laureano in this Court on July 23, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Elizabeth Ann Tillman v. State in the Supreme Court on July 22, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Donnie Nelson v. State with the Supreme Court on July 17, 2013. Counsel filed the record on appeal in the case of State v. Candace Beheler in in this Court on July 15, 2013. Counsel had a PCR reconstruction hearing in the case of Maurice A. Kelley v State in the Richland County Courthouse on July 16, 2013. Counsel filed the record on appeal in the case of State v. Walter Goodine in this Court on July 12, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Walter Lamont Morgan v. State with the Supreme Court on July 8, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Lamont Raphael Briggs v. State in the Supreme Court on July 8, 2013.

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



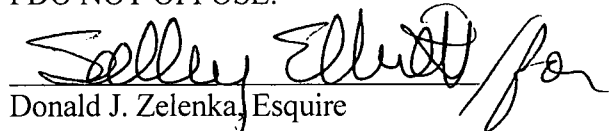
Wanda H. Carter
Deputy Chief Appellate Defender



Robert M. Dudek
Chief Appellate Defender

September 4, 2013

I DO NOT OPPOSE:



Donald J. Zelenka, Esquire