

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Williamsburg County  
George C. James, Jr., Circuit Court Judge

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ORIGINAL

SEP 27 2013

THE STATE,

RESPONDENT,

V.

ANDRE WALLACE

APPELLANT

APPELLATE CASE NO. 2012-212937

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

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Counsel respectfully requests a **final extension of thirty (30) days until October 28, 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, September 27, 2013. The Court has granted counsel four 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 of Appellant in State v. Demetrius Smalls with this Court. On September 18, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Omar Singleton v. State with the Supreme Court. On September 16, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Shawn Leonard Glennon v. State with the Supreme Court. On September 13, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Carl Chaplin with this Court. On September 12, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Dustin Williams v. State with the Supreme Court. On August 30, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Demarco Bell v. State with the Supreme Court. On August 29, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Mackail Dawkins v. State with the Supreme Court. On August 23, 2013, counsel filed a brief of appellant and record on appeal in State v. Whitney Span with this Court. On August 13, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Donald E. Brown v. State with the Supreme Court. On August 2, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Solomon Smith v. State with the Supreme Court. On July 31, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Kenneth Odell Jackson with this Court. On July 26, 2013, counsel filed a brief of appellant and record on appeal in State v. Frederick Flowers with this 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.

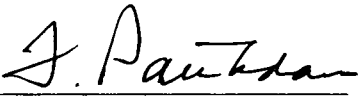
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until October 28, 2013**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

  
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Benjamin J. Tripp  
Appellate Defender

Attorney for Appellant

  
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Robert M. Dudek  
Chief Appellate Defender

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

This 27th day of September, 2013.

I consent:

  
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Salley W. Elliott