

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Darlington County
J. Michael Baxley, Circuit Court Judge

 ORIGINAL
RECEIVED
JUN 18 2012
SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

KRISTOPHER WILMONT BERRY,

APPELLANT.

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

Counsel for Kristopher Wilmont Berry respectfully requests an extension of a **final** 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 fifth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter is due to be served and filed with the Court on today. Counsel had requested a prior extension he intended to be the last; however, due to the current caseload and counsel's attendance at the Supreme Court Advocacy Institute training program in New York, New York on the dates of June 7-10, 2012.
2. Counsel for Mr. Berry 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. Today counsel is filing the petition for writ of certiorari and appendix in Ivan Lee v. State in the Supreme Court. On June 14, 2012, counsel filed the petition for writ of certiorari and appendix in Preston Costa v. State in the Supreme Court. On June 6, 2012, counsel had an oral argument in State v. Tremaine Rashon Wray in this Court. On June 4, 2012 counsel had an oral argument in State v. Kasseem Stephens in this Court. On June 1, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Ashley Moore in this Court. On May 29, 2012, counsel filed the petition for writ of certiorari and appendix in State v. Freddie Jones in the Supreme Court. On May 23, 2012 counsel had an oral argument in the case of State v. Lucius Simuel in the Supreme Court. On May 21, 2012 counsel filed the initial brief of appellant and designation of matter in James Byers v. State in this Court. On May 16, 2012 counsel filed the petition for writ of certiorari and appendix in Johnny Paden v. State in the Supreme Court. On May 14, 2012 counsel filed the initial brief of appellant and designation of matter in James Byers v. State in this court. On May 8, 2012 counsel filed the initial reply brief in State v. Joseph Paugh in this Court. On May 4, 2012 counsel filed the petition for writ of certiorari and appendix in Steven J. Freeman v. State in the Supreme Court. On May 2, 2012 counsel filed the petition for writ of certiorari and appendix in John Randolph v. State in the Supreme Court.


4. Counsel makes this request in good faith and not for purpose of delay.

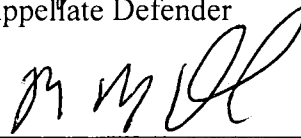
5. As indicated by signature below, Salley W. Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

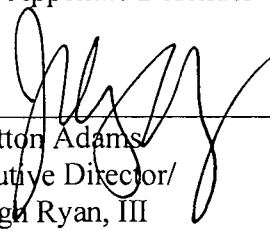
WHEREFORE, the undersigned counsel would respectfully request a **final** thirty day extension, in which to file the initial brief of appellant and designation of matter in this case

based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,

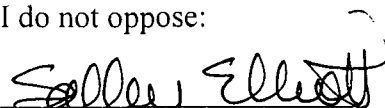

Dayne C. Phillips
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


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

June 18, 2012

I do not oppose:


Salley W. Elliott