

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County

G. Edward Welmaker, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

RUSSELL EDWARD NIX,

APPELLANT

APPELLATE CASE NO. 2013-000522

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, October 28, 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 her caseload, counsel hopes that no further extension requests will be required.

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SC Court of Appeals

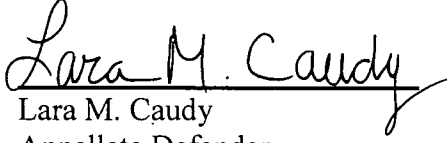
3. This case was assigned to Wanda H. Carter. Undersigned counsel has been reassigned to handle the present case, effective August 15, 2013. On October 21, 2013, counsel filed the brief of appellant and record on appeal in State v. Austin Epperson in this Court. On October 18, 2013, Counsel filed the petition for writ of certiorari and accompanying appendix in Travis D. Robinson v. State with the Supreme Court. On October 16, 2013, counsel, as co-counsel, filed a brief of appellant and record on appeal in State v. Don-Survi Chisolm in this Court. On October 3, 2013, counsel filed a petition for writ of certiorari and accompanying appendix on Michael Lee Jones v. State with the Supreme Court. On October 2, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Leroy Brown v. State with the Supreme Court. On September 30, 2013, counsel filed a brief of appellant and record on appeal in State v. Adrian Lawrence with this Court. On September 10, 2013, counsel filed a brief of appellant and record on appeal in State v. Darrell Florez with this Court. On September 6, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Damon T. Brown with this Court. On August 28, 2013, counsel filed a brief of appellant and record on appeal in State v. Bobby McConnell with the Supreme Court. On August 26, 2013, counsel filed a petition for writ of certiorari and accompany appendix in Robert Earle Ricketts 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.

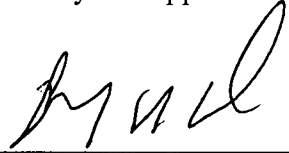
5. Counsel for the Attorney General's office consents to this request shown by signature below.

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,


Lara M. Caudy
Appellate Defender

Attorney for Appellant


Robert M. Dudek
Chief Appellate Defender

This 28th day of October, 2013

I consent:


for Salley Elliott, Esquire