

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of General Sessions

Doyet A. Early, III, Circuit Court Judge

Case Nos. 2011-GS-38-0564, 0565 and 0566

RECEIVED

DEC 02 2013

SC Court of Appeals

State of South Carolina.....Respondent

v.

Cleophas Edwards.....Defendant/Appellant

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF AND
DESIGNATION OF MATTER**

The Appellant, Cleophas Edwards (Edwards), hereby moves, in accordance with Rule 224 SCACR, for a fifteen (15) day extension of time to file and serve his initial brief and designation of matter. These filings are now due on December 2, 2013. This extension will make these filings due on or before December 17, 2013. The reasons supporting this extension are set forth in the attached Affidavit of the Appellant's attorney, Arthur K. Aiken.

WHEREFORE, Edwards prays that this Court enter an order granting this extension.

Respectfully Submitted



Arthur K. Aiken
Aiken & Hightower, PA
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Columbia, SC 29205
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Email: art@aikenandhightower.com
ATTORNEY FOR APPELLANT

November 26, 2013
Columbia, SC

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Doyet A. Early, III, Circuit Court Judge

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AFFIDAVIT OF ARTHUR K. AIKEN

The undersigned, Arthur K. Aiken, personally appearing before me and having been duly sworn, deposes and says:

1. I am the attorney for the Defendant/Appellant, Cleophas Edwards (Edwards) in the above captioned criminal appeal.
2. I represent Edwards pro bono as a participant in the South Carolina Appellate Project.
2. My client's designation of matter and initial brief are now due on December 2, 2013, and this deadline has never been extended.
3. I find myself unable to meet this deadline because of competing obligations to other clients.
4. I am representing a client an appeal before the South Carolina Supreme Court in which that Court unexpectedly shortened the briefing schedule to twenty (20) days from the receipt of the transcripts, making my Initial Appellant's Brief in that case due on or before November 14, 2013.

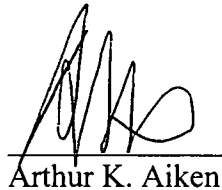
5. As soon as I finished my Initial Appellant's Brief that was due on November 14, 2013, I had to begin preparing for a murder trial in which I represented the Defendant pro bono.

6. My murder trial began on November 18, 2013, continued that entire work week and did not conclude until about 10:30 PM on the evening of November 25, 2013.

6. I request that this Court grant me a twelve (15) day extension to make the above filings.

7. I spoke with Melody Brown, an attorney at the South Carolina Attorney General's Office, about this extension request, and she told me that the State did not oppose it.

FURTHER YOUR AFFIANT SAYETH NAUGHT



Arthur K. Aiken

SWORN to and SUBSCRIBED before me this

26th day of November, 2012

Arthur K. Aiken
Notary Public for South Carolina

My Commission Expires: 9-27-2027

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PROOF OF SERVICE

I certify that I have served the Appellant's Motion for Extension of Time to File Initial Brief and Designation of Matter on counsel for the State on November 26, 2013 by mailing a copy of the above to Donald J. Zelenka, S.C. Attorney General's Office, PO Box 11549 Columbia, SC 29211-1549.



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AIKEN & HIGHTOWER, P.A.

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Arthur K. Aiken, Esq.

A. Bea Hightower, Esq.

November 26, 2013

Jenny Abbott Kitchings
P.O. Box 11629
Columbia, SC 29211

RE: State of South Carolina v. Cleophas Edwards
Docket No.: 2011-GS-38-0564, 0565, and 0566


Dear Ms. Kitchings:

Enclosed for filing please find the original and seven (7) copies of the Proof of Service, Appellant's Motion for Extension for Time, and affidavit of Arthur Aiken, attorney for Appellant in the above-referenced matter. Please return a date-stamped copy to our office in the enclosed, self-addressed, stamped envelope at your earliest convenience.

Please call me if you have any questions or need any clarification regarding these enclosures.

Thank you for your assistance in this matter.

Sincerely,


Alicia Parler
Paralegal for Arthur K. Aiken
ahparalegal@aikenandhightower.com

Enclosures

cc: Donald J. Zelenka

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