

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Aiken County
J. Derham Cole, Circuit Court Judge

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DEC 16 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CAROLYN POE,

APPELLANT

APPELLATE CASE NO. 2013-000356

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 fourth 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. The Court has granted counsel three 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. On December 6, 2013, counsel filed a brief of appellant in State v. Mitchell Rivers with this Court. On December 4, 2013, counsel held an oral argument before the Supreme Court in State v. Travis Jones. On November 27, 2013, counsel filed a brief of appellant and record on appeal in State v. Halden Lamont Hollman in this Court. On November 22, 2013, counsel filed a return to petition for writ of certiorari in State v. Brittany Johnson with the Supreme Court. On November 20, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Antrown Irby v. State with the Supreme Court. On November 13, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Jon Roseboro in this Court. On November 7, 2013, counsel held an oral argument in State v. Carmichael Arvel Glenn before this Court. On November 6, 2013, counsel filed a brief of appellant and record on appeal in State v. Korey Love with this Court. On November 4, 2013, counsel filed a brief of appellant and record on appeal in State v. Wanda Patterson with this Court. On October 31, 2013, counsel filed a brief of appellant in State v. Samuel Dingle with this Court. On October 28, 2013, counsel filed the brief of appellant and record on appeal in State v. Andre Wallace with this Court. On October 17, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Dietrick T. Williams in this Court. On October 7, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Sarah D. Cardwell 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 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,


Benjamin J. Tripp
Appellate Defender


Attorney for Appellant


Robert M. Dudek
Chief Appellate Defender


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

This 16th day of December, 2013.

I consent:


for Salley W. Elliott