

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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DEC 18 2013

APPEAL FROM ORANGEBURG COUNTY  
Court of General Sessions

SC Court of Appeals

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2012-213596

State of South Carolina.....Respondent

v.

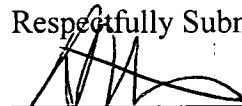
Cleophas Edwards.....Defendant/Appellant

**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 six (6) day extension of time to file and serve his initial brief and designation of matter. These filings are now due on December 17, 2013 following a previous extension form December 2, 2013. This extension will make these filings due on or before December 23, 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  
2231 Devine Street, Suite 201  
Columbia, SC 29205  
Telephone: 803-799-5205  
Fax: 803-799-5206  
Email: art@aikenandhightower.com  
**ATTORNEY FOR APPELLANT**

December 17, 2013  
Columbia, SC

AIB 5th  
12/17/13

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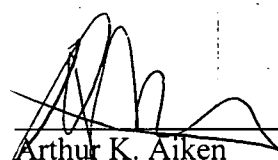
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State of South Carolina.....Respondent  
v.

Cleophas Edwards.....Defendant/Appellant

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 December 17, 2013 by mailing a copy of the above to Donald J. Zelenka, S.C. Attorney General's Office, P.O. Box 11549 Columbia, SC 29211-1549.

  
\_\_\_\_\_  
Arthur K. Aiken  
Aiken & Hightower, PA  
2231 Devine Street, Suite 201  
Columbia, SC 29205  
Telephone: 803-799-5205  
Fax: 803-799-5206  
Email: [andrea@aikenandhightower.com](mailto:andrea@aikenandhightower.com)

December 17, 2013  
Columbia, SC

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

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State of South Carolina.....Respondent

v

Cleophas Edwards.....Defendant/Appellant

**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 17, 2013, and this deadline was previously extended from December 2, 2013.
3. I find myself unable to meet this December 17, 2013 deadline because of competing obligations to other clients.
4. I am representing a client in 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.

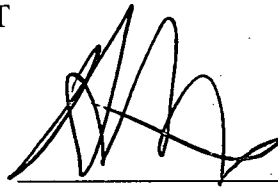
7. I previously requested and received an extension of my filing deadline from December 2, 2013 to December 17, 2013.

8. I was overly optimistic in my assessment of the amount of work that I had backed up from my six day murder trial and did not get enough time with my last extension request.

9. No additional extensions will be needed because I am well into the preparation of the brief.

9. I request that this Court grant me an additional six (6) day extension to make the above filings.

FURTHER YOUR AFFIANT SAYETH NAUGHT



Arthur K. Aiken

SWORN to and SUBSCRIBED before me this

17<sup>th</sup> day of December, 2013

Blenda K. Kase

Notary Public for South Carolina

My Commission Expires: December 20, 2014

**AIKEN & HIGHTOWER, P.A.**

*Attorneys at Law*  
2231 Devine Street, Suite 201  
Columbia, SC 29205  
Phone: 803-799-5205  
Fax: 803-799-5206

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SC Court of Appeals

*Arthur K. Aiken, Esq.*

*A. Bea Hightower, Esq.*

December 17, 2013

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

RE: State of South Carolina v. Cleophas Edwards  
Appellate Case No.: 2012-213596

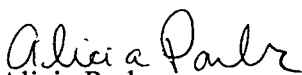
Dear Ms. Kitchings:

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