

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS


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Appeal from Horry County

Larry B. Hyman, Jr., Circuit Court Judge  
\_\_\_\_\_

 ORIGINAL

 RECEIVED

JAN 13 2014

 SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LYNEL WITHERSPOON,

APPELLANT

APPELLATE CASE NO. 2013-001650  
\_\_\_\_\_

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. 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 his caseload, counsel hopes that no further extension requests will be required.

3. Today, counsel will file the petition for writ of certiorari and accompanying appendix in Demarco Johnson v. State with the Supreme Court. On January 8, 2014, counsel held an oral argument in State v. Antonio Scott before this Court. On January 6, 2014, counsel filed a brief of appellant and record on appeal in State v. Nicholas A. Smith with this Court. On January 2, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Jared Williams v. State with the Supreme Court. On January 2, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Jerry Jerome Smith v. State with the Supreme Court. On December 31, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Brandon Jones v. State with the Supreme Court. On December 19, 2013, counsel filed an initial brief of appellant and designation of matter in State v. Joseph Tice with this Court. On December 18, 2013, counsel filed the brief of petitioner in Ernest L. Hall v. State in this Court. On December 18, 2013, counsel filed the brief of petitioner in Joshua L. Forrest v. State in this Court. 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.

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.

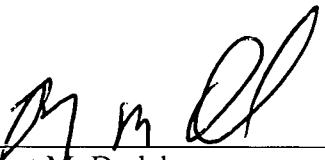
5. Counsel for the Attorney General's office consents to this request shown by signature below.

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,

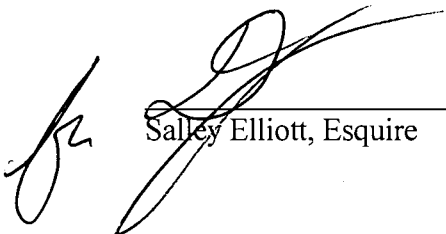
  
Benjamin D. Tripp  
Appellate Defender

Attorney for Appellant

  
Robert M. Dudek  
Chief Appellate Defender

This 13th day of January, 2014

I consent:

  
Salley Elliott, Esquire