

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Kristi Lea Harrington, Circuit Court Judge

RECEIVED
JUL 15 2013
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL C. ANDES,

APPELLANT

APPELLATE CASE NO. 2011-204706

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Michael C. Andes respectfully requests a **final five (5) business day extension until July 19, 2013**, 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 final 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, July 15, 2013. The Court has granted counsel six previous extensions. Counsel had requested a prior extension he intended to be the last but subsequent events—including counsel is stranded in Fort Lauderdale, Florida—prevented counsel from meeting this deadline. Counsel has

been diligently working on the merit brief and understands that this extension request is above the internal rules for requesting an extension. Counsel will file the merit brief within five (5) days.

2. This case was assigned to Breen Stevens, whose last day with the Appellate Division was Friday, May 24, 2013. Undersigned counsel assumed Mr. Stevens' caseload effective May 28, 2013, and has been reassigned to handle the present case. On July 12, 2013, counsel filed an Anders brief of appellant and record on appeal in State v. Billy Roy Boyd with this Court. On July 8, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Carl B. Craine v. State with the Supreme Court. On June 28, 2013, counsel filed a petition for writ of certiorari and accompanying appendix in Joy Mack v. State with the Supreme Court; and counsel filed an Anders brief of appellant and record on appeal in State v. Jamaal Riley with this Court. On June 26, 2013, counsel filed a Johnson petition for writ of certiorari and accompanying appendix on State v. Brandon Lav'ar Johnson with the Supreme Court. On June 3, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Howard Thompson, III v. State with the Supreme Court. On May 31, 2013, counsel filed the petition for writ of certiorari and accompanying appendix in Charles Gamble v. State with the Supreme Court.

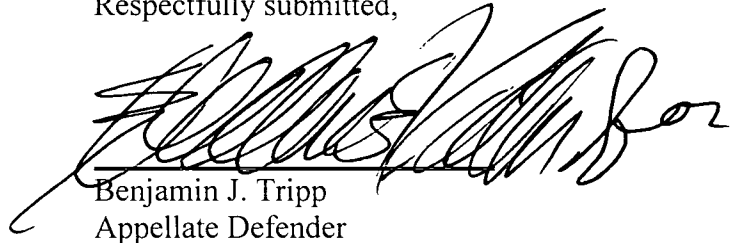
3. Counsel for Mr. Andes respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel will file the merit brief within five (5) days.

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.

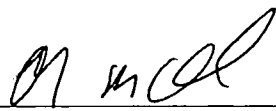
5. Counsel for the Attorney General's office consents to this request shown by signature below.

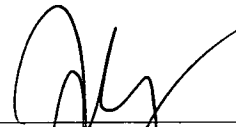
WHEREFORE, the undersigned counsel would respectfully request a **final five (5) business day extension until July 19, 2013**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,


Benjamin J. Tripp
Appellate Defender

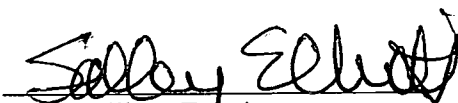
Attorney for Appellant


Robert M. Dudek
Chief Appellate Defender


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

This 15th day of July, 2013.

I consent:


Salley Elliott, Esquire