

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Horry County
Larry B. Hyman, Jr., Circuit Court Judge

THE STATE,

RECEIVED
FEB 18 2014

RESPONDENT,
SC Court of Appeals

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 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. Today, counsel will file a brief of appellant and designation of matter in State v. Jameccia Lomax with this Court. Today, counsel will file a petition for writ of certiorari and

accompanying appendix in Carnell Bland v. State with the Supreme Court. On February 7, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Steven Whitt v. State with the Supreme Court. On February 5, 2014, counsel held an oral argument in State v. Ricky S. Bowman before this Court. On February 3, 2013, counsel filed a brief of appellant and record on appeal in State v. Cornelius Jerome Staggers, Jr. with this Court. On January 30, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Shannon Tremell Hopkins v. State with the Supreme Court. On January 27, 2014, counsel filed a brief of appellant and record on appeal in State v. Juan Arroyo with this Court. On January 24, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in John Drayton v. State with the Supreme Court. On January 16, 2014, counsel filed a brief of appellant and record on appeal in State v. Gregory Smith with this Court. On January 15, 2014, counsel filed an initial brief of appellant and designation of matter in State v. Carolyn Poe with this Court. On January 13, 2014, counsel filed 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 in 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.

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.

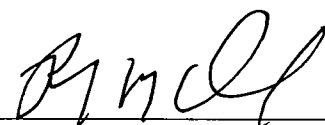
5. Counsel for the Attorney General's office consents to this request shown by signature below.

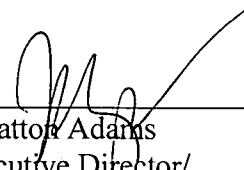
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,


Benjamin J. Tripp
Appellate Defender

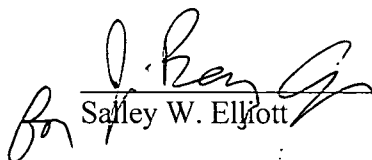
Attorney for Appellant


Robert M. Dudek
Chief Appellate Defender


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

This 18th day of February, 2014.

I consent:


Sailey W. Elliott