

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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MAY 21 2014

Certiorari to Horry County
J. Cordell Maddox, Jr., Circuit Court Judge

S.C. Supreme Court

BRANDON S. MCDEVITT,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002468

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF
CERTIORARI AND APPENDIX

Counsel for Brandon S. McDevitt respectfully requests an extension of thirty (30) days, **until June 20, 2014**, in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix are due to be served and filed with the Court today.
2. Counsel for Brandon S. McDevitt 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.

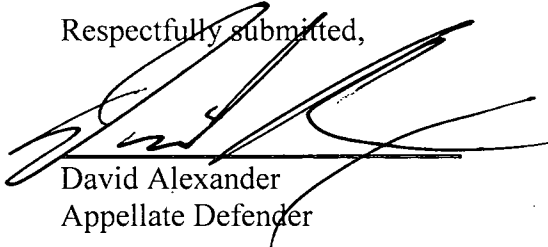
3. Counsel filed reply to return to petition for writ of certiorari in the case of Jose Angel Herrera v. State with this Court on May 15, 2014. Counsel filed an initial reply brief of appellant in the case of State v. Akeem O. Smith with the Court of Appeals on May 15, 2014. Counsel had an oral argument in the case of State v. Henry Gray with the Court of Appeals on May 13, 2014. Counsel filed Petition for Rehearing in the case of State v. Julian Deandre Battle in the Court of Appeals on May 8, 2014. Counsel had an oral argument in the case of State v. William Coaxum with this Court on May 8, 2014. Counsel had an oral argument in the case of State v. Edward Dunn with the Court of Appeals on May 7, 2014. Counsel had an oral argument in the case of State v. Steven Frost with the Court of Appeals on May 7, 2014. Counsel filed reply to the return to the petition for writ of certiorari in the case of Marion Bowman v. State with this Court on May 5, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Zinah Damaris Jennings (transcripts and pleadings exceeded 1,800 pages) in the Court of Appeals on May 1, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Erick Arroyo with the Court of Appeals on April 16, 2014. Counsel filed Reply Brief of Petitioner in the case of State v. Jomar Robinson with this Court on April 11, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Allen Johnson with the Court of Appeals on April 9, 2014. Counsel had oral argument in the case of State v. Steven Kranendonk with the Court of Appeals on April 8, 2014. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of In The Interest of Tyairy G., Minor with this Court on April 1, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix and

the Austin v. State petition for writ of certiorari in the case of Donnie M. Malpass v. State with this Court on March 27, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Daniel McNeil v. State with this Court on March 25, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Lamar Sequan Brown with the Court of Appeals on March 24, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Tamar Bryant in the Court of Appeals on March 19, 2014.

4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until June 20, 2014**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander
Appellate Defender

Attorney for Petitioner

May 21, 2014

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CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Salley W. Elliott, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 21st day of May, 2014.



David Alexander
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 21st day
of May, 2014.

Rhonda Denise Foxworth (L.S.)

Notary Public for South Carolina

My Commission Expires: October 17, 2021.