

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Oconee County

Alexander S. Macaulay, Circuit Court Judge

RECEIVED  
JUN 06 2014  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TIMOTHY R. WIRTZ,

APPELLANT

APPELLATE CASE NO. 2013-002328

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

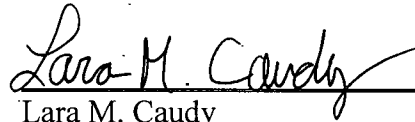
3. On June 2, 2014, counsel filed an initial brief of appellant and designation of matter in State v. Brad Alan Day with this Court. On May 23, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in David Colter, Jr. v. State with the Supreme Court. On May 22, 2014, counsel filed a brief of appellant and record on appeal in State v. Frankie Brooks, Jr., with this Court. On May 21, 2014, counsel filed an initial brief of appellant and designation of matter in State v. Stepheno J. Alston with this Court. On May 21, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Lonzie Joseph Fox v. State with the Supreme Court. On May 21, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Dominic Gilbert v. State with the Supreme Court. On May 19, counsel filed a petition for writ of certiorari and accompanying appendix in Ronald Francis Cameron v. State with the Supreme Court. On May 1, 2014, counsel filed a Reply to the Return to the Petition for Writ of Certiorari in Efrain Thomas v. State with the Supreme Court. On April 28, 2014, counsel filed a brief of appellant and record on appeal in State v. Roy Donell Moore with this Court. On April 28, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Barry Allen Evans v. State with the Supreme Court. On April 28, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Michael Ellis Evans v. State with the Supreme Court. On April 25, 2014, counsel filed an initial brief of appellant and designation of matter in State v. Jeffrey Glenn McCoy with 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.

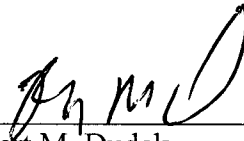
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Lara M. Caudy  
Appellate Defender

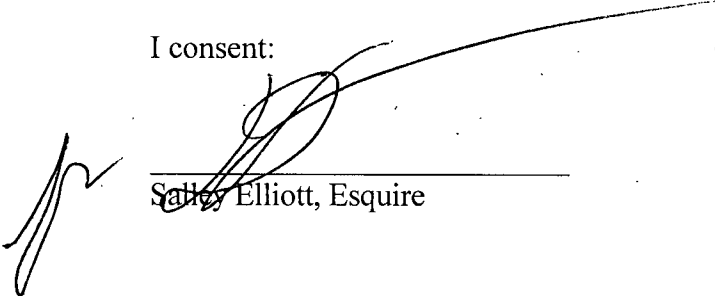
Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender

This 6th day of June, 2014

I consent:



Sally Elliott, Esquire