

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

ORIGINAL

Appeal from Lexington County

Edward B. Cottingham, Circuit Court Judge

RECEIVED

JUN 27 2014

THE STATE,

RESPONDENT, SC Court of Appeals

V.

BRIAN CURTIS MACK,

APPELLANT

APPELLATE CASE NO. 2013-001726

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.

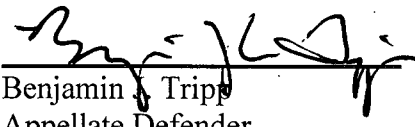
3. Today, counsel will file a petition for writ of certiorari and accompanying appendix in Donnell McFadden v. State with the Supreme Court. On June 13, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in George Jackson v. State with the Supreme Court. On June 11, 2014, counsel held an oral argument in State v. Shawn Antonio Miller before the Supreme Court. On June 5, 2014, counsel filed a brief of appellant and record on appeal in State v. Lavern Anderson with this Court. On June 2, 2014, counsel filed a brief of appellant in State v. Jabbarie Brown with this Court. On May 28, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Tony Moore. v. State with the Supreme Court. On May 22, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Tony Moore v. State with the Supreme Court. On May 20, 2014, counsel filed a petition for writ of certiorari to the Court of Appeals and accompanying appendix in State v. Antonio Scott with the Supreme Court. On April 24, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Roy Johnson, Jr. v. State with the Supreme Court. On April 18, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Maurice Shaundell Hope v. State with the Supreme 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.

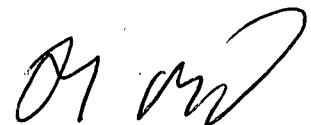
5. Counsel for the Attorney General's office consents to this request shown by signature below.

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,

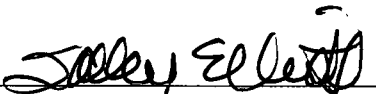
  
Benjamin Tripp  
Appellate Defender

Attorney for Appellant

  
Robert M. Dudek  
Chief Appellate Defender

This 27th day of June, 2014.

I consent:

  
Salley Elliott, Esquire