

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JUL 07 2014
SC Court of Appeals

Appeal from Oconee County
Alexander S. Macaulay, Circuit Court Judge

THE STATE,

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SC Court of Appeals

RESPONDENT,
SC Court of Appeals

v.

TIMOTHY R. WIRTZ,

APPELLANT

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SC Court of Appeals

APPELLATE CASE NO. 2013-002328

JUL 07 2014

SC Court of Appeals

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 her caseload, counsel hopes that no further extension requests will be required.
3. **Counsel has completed a substantial amount of work on the initial brief of appellant. Unfortunately, counsel has been unable to complete the brief because she is awaiting receipt of State's Exhibit No. 4, which was entered into evidence at Appellant's trial,**

from the Oconee County Clerk of Court or the Oconee County Solicitor's Office. Counsel initially received a copy of this exhibit, which is a CD containing audio recordings of numerous telephone conversations, from defense counsel, but the CD arrived damaged. Counsel then attempted to obtain a copy from the Oconee County Clerk of Court, however, the CD counsel received from the clerk of court, although labeled State's Exhibit No. 4, contained a single photograph and did not contain any audio recordings. Counsel hopes to receive a working copy of this exhibit within the next week and will file the initial brief of appellant shortly after receipt of the exhibit.

4. Today, counsel will file a brief of appellant and record on appeal in State v. David Dixon with this Court. On July 3, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Kaseem Stephens v. State with the Supreme Court. On June 27, 2014, counsel filed a petition for writ of certiorari and accompanying appendix in Yesenia Ramirez v. State with the Supreme Court. On June 12, 2014, counsel filed a petition for writ of certiorari, accompanying appendix, and brief of appellant pursuant to White v. State in Hashin Allie O'Neil v. State with the Supreme Court. On June 6, 2014, counsel filed a petition for rehearing in Bayan Aleksey v. State with the Supreme Court. 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

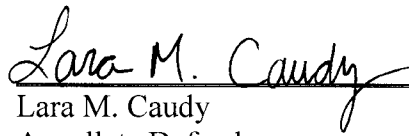
Cameron v. State with the Supreme Court. On May 1, 2014, counsel filed a Reply to the Return to the Petition for Writ of Certiorari in Efrain Thomas v. State with the Supreme Court. On April 28, 2014, counsel filed a brief of appellant and record on appeal in State v. Roy Donell Moore with this Court. 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.

5. 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.

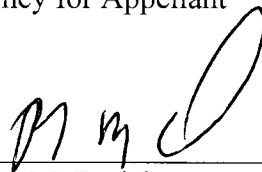
6. Counsel for the Attorney General's office consents to this request shown by signature below.

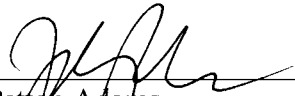
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,


Lara M. Caudy
Appellate Defender

Attorney for Appellant

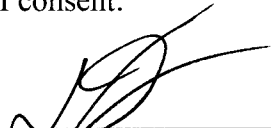


Robert M. Dudek
Chief Appellate Defender



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

This 7th day of July, 2014

I consent:



Sally W. Elliott