

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Charleston County

Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT.

V.

NATHANIEL WITHERSPOON,

APPELLANT.

APPELLATE CASE NO. 2013-001440

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Nathaniel Witherspoon respectfully requests a **final thirty (30) day extension, until August 6, 2014**, 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 fifth 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 four previous extensions.

2. Counsel for Nathaniel Witherspoon 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.

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3. Counsel is also working on and planning to file the initial brief of appellant and designation of matter in the case of State v. Harold Cartwright with this Court on July 11, 2014. Counsel filed a motion to vacate convictions, remand for a new trial and to dismiss the appeal in the case of State v. Christina Reece, with this Court on July 3, 2014 Counsel had an oral argument in the case of State v. Richard Niles Jr. in the Supreme Court on Wednesday, June 25, 2014. Counsel is working on and preparing to file the brief of petitioner in the case of State v. Christopher Heller in the Supreme Court on today, June 23, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Joseph Walker with this Court on Friday, June 13, 2014. Counsel had an oral argument in the case of State v. Darian Robinson in the Supreme Court yesterday, June 12, 2014. Counsel filed the petition for rehearing in the case of State v. Bayan Aleskey, a death penalty case with the Supreme Court, on Friday, June 6, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Anthony C. Johnson with this Court on June 4, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. McIver Feagin with this Court on May 23, 2014. Counsel went to death row at Lieber Correctional Institution on May 22, 2014 to meet with Sammie Stokes to discuss and prepare for the upcoming reconstruction hearing. Counsel filed the petition for rehearing in the case of State v. Mark Peters with this Court on Thursday, May 22, 2014. Counsel filed the brief of respondent in the case of Michael Hough v. State with this Court on May 21, 2014. Counsel filed the brief of petitioner in the case of State v. Derrick McDonald with the Supreme Court on May 13, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of In the Interest of Samuel B., a Juvenile Under the Age of Seventeen with this Court on May 7, 2014.

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.

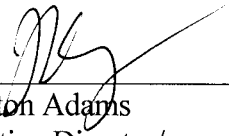
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until August 6, 2014**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



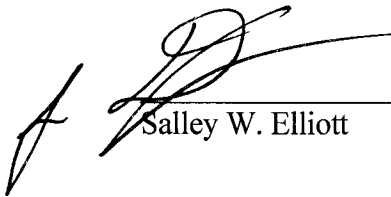
Robert M. Dudek
Chief Appellate Defender



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

This 7th day of July, 2014.

I consent:


Salley W. Elliott