

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chesterfield County

Paul M. Burch, Circuit Court Judge

RECEIVED

JUL 28 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DENNIS M. PENNY,

APPELLANT

APPELLATE CASE NO. 2013-001554

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

Counsel for Dennis Penny 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 for Dennis Penny 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 filed the petition for writ of certiorari and accompanying appendix in the case of James Robert Byrd v. State in the Supreme Court on Friday, July 23, 2014. Counsel filed the brief of petitioner in the case of State v. Norman Hayes in this Court on July 18, 2014. Counsel filed the petition for rehearing in the case of The State v. Gregory Ivery with this Court on July 15, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jeffrey Evans v. State with the Supreme Court on July 14, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Roderick Sellers with this Court on July 11, 2014. Counsel filed the petition for rehearing in the case of The State v. Taurus Lamare Thompson with this Court on July 3, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Steven Morgan in this Court on June 30, 2014. Counsel filed the petition for rehearing in the case of The State v. James C. Tyner with this Court on June 26, 2014. Counsel filed the reply to the return to the petition for writ of certiorari in the case of Jimmy Charles Kendall, III v. State of South Carolina with the Supreme Court on June 18, 2014. Counsel filed the petition for rehearing in the case of The State v. Forrest Kelly Samples with this Court on June 17, 2014. Counsel had an oral argument in the case of The State v. Donald M. Anderson in this Court on June 17, 2014. Counsel filed the brief of petitioner in the case of George Wigington v. State of South Carolina with this Court on June 11, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Gregory Mark Crolley v. State of South Carolina with the Supreme Court on June 5, 2014. Counsel had an oral argument in the case of The State v. Gregory Ivery in this Court on June 5, 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.

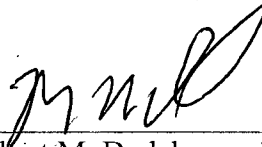
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

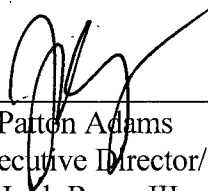


Carmen V. Ganjehsani
Appellate Defender

Attorney for Appellant



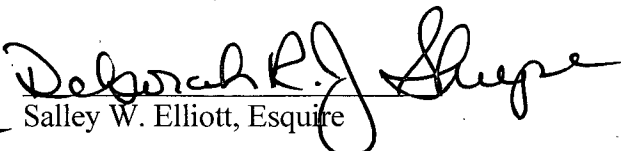
Robert M. Dudek
Chief Appellate Defender



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

This 28th day of July, 2014.

I consent:


for Salley W. Elliott, Esquire