

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Darlington County
J. Michael Baxley, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

KRISTOPHER WILMONT BERRY,

APPELLANT.

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

Counsel for Kristopher Wilmont Berry respectfully requests an extension of a **final thirty (30) days until August 27, 2012** 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. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter is due to be served and filed with the Court on today. Counsel had requested a prior extension that he intended to be the last; however, counsel is unable to comply with that request due to: the current caseload; counsel's attendance at the Supreme Court Advocacy Institute training program in New York, New York, on June 7-10, 2012; counsel's wedding and honeymoon on June 23-29, 2012; and additional work on the motion for a new trial in State v. Richard Gagnon.
2. Counsel for Mr. Berry 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

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in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. On July 26, 2012, counsel will file initial brief of Appellant in State v. Donald Altman in this Court. On July 23, 2012, counsel will be filing the petition for writ of certiorari and appendix in Alonzo Jenkins v. State in the Supreme Court. On July 20, 2012, counsel filed the initial brief of appellant in State v. Richard Beekman in this Court. On July 18, 2012 counsel filed the initial brief of appellant in State v. Billy Lisenby in this Court. On July 13, 2012, counsel filed the initial brief of appellant and designation of matter in Antwan Grayson v. State in this Court. On July 6, 2012 counsel filed the petitions for writ of certiorari and appendices in Thomas Evans v. State and Chadwick Cole v. State in the Supreme Court. On July 9, 2012 counsel filed the petition for writ of certiorari and appendix in Jameek J. Williams v. State in the Supreme Court. On June 21, 2012 counsel filed the petition for writ of certiorari in the Court of Appeals in State v. Nathaniel Murray. On June 20, 2012 counsel filed the petition for writ of certiorari and appendix in Douglas Rice v. State in the Supreme Court. On June 18, 2012 counsel filed the petition for writ of certiorari and appendix in Ivan A. Lee v. State in the Supreme Court. On June 14, 2012, counsel filed the petition for writ of certiorari and appendix in Preston Costa v. State in the Supreme Court. On June 6, 2012, counsel had an oral argument in State v. Tremaine Rashon Wray in this Court. On June 4, 2012 counsel had an oral argument in State v. Kasseem Stephens in this Court. On June 1, 2012, counsel filed the initial brief of appellant and designation of matter in State v. Ashley Moore in this Court. On May 29, 2012, counsel filed the petition for writ of certiorari and appendix in State v. Freddie Jones in the Supreme Court. On May 23, 2012 counsel had an oral argument in the case of State v. Lucius Simuel in the Supreme Court. On May 21, 2012 counsel filed the initial brief of appellant and designation of matter in James Byers v. State in this Court. On May 16, 2012 counsel filed the petition for writ of certiorari and appendix in Johnny Paden v. State in the Supreme Court. On May 14, 2012 counsel filed the initial brief of appellant and designation of matter in James Byers v. State in this court. On May 8, 2012 counsel filed the initial reply brief in State v. Joseph Paugh in this Court. On May 4, 2012 counsel filed the petition for writ of

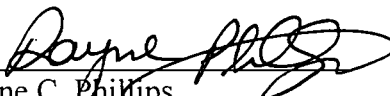
certiorari and appendix in Steven J. Freeman v. State in the Supreme Court. On May 2, 2012 counsel filed the petition for writ of certiorari and appendix in John Randolph v. State in the Supreme Court.

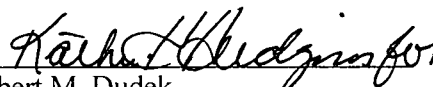
4. Counsel makes this request in good faith and not for purpose of delay.

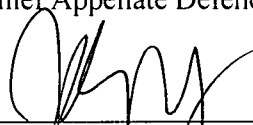
5. As indicated by signature below, Salley W. Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day until August 27, 2012** extension, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,


Dayne C. Phillips
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


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

July 27, 2012

I do not oppose:


Salley W. Elliott