

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

J. Mark Hayes, II, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LATROY LAMAR WHERRY,

APPELLANT

APPELLATE CASE NO. 2013-002509

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.

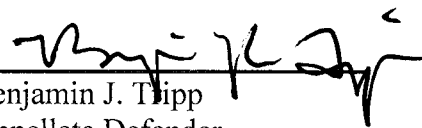
3. On September 4, 2014, counsel filed an brief of appellant and record on appeal in State v. Christopher Roberts with this Court. On August 26, 2014, counsel filed a petition for writ of certiorari and accompanying appenidx in Willaim L. Gainey. v. State the Supreme Court. On August 26, 2014, counsel filed a petition for writ of certiorari and accompanying appenidx in Ronnie Goggins. v. State with the Supreme Court. On August 12, 2014, counsel filed a petition for writ of certiorari and accompanying appenidx in Frank Bolin, Jr. v. State with the Supreme Court. On August 8, 2014, counsel filed a petition for writ of certiorari and accompanying appenidx in Reynaldo Gonzalez v. State with the Supreme Court. On July 30, 2014, counsel filed an brief of appellant and record on appeal in State v. Steve Franklin Grayson with this Court. On July 28, 2014, counsel filed an initial brief of appellant and designation of matter in State v. Brian Curtis Mack with this Court. On July 23, 2014, counsel filed an initial brief of appellant and designation of matter in State v. Teramine Lamont McCrorey with this Court. On July 21, 2014, counsel filed a brief of petitioner and accompanying appendix in Martina R. Putnam v. State with this Court. On July 9, 2014, counsel filed a brief of appellant and record on appeal in State v. Robert Jenkins with this Court. On July 2, 2014, counsel filed a petition for writ of certiorari to the Court of Appeals in State v. Ricky S. Bowman 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.

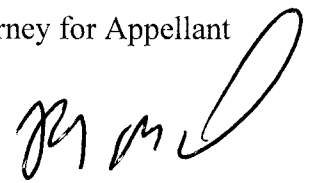
WHEREFORE, the undersigned counsel would respectfully request an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Benjamin J. Tipp
Appellate Defender

Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender

This 5th day of September, 2014

I consent:



Salley Elliott, Esquire