

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Lancaster County
R. Knox McMahon, Circuit Court Judge

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SEP 10 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAVID STALK,

APPELLANT.

Appellate Case No. 2014-000166

MOTION TO FILE, OUT OF TIME, FOR AN EXTENSION OF TIME
TO FILE APPELLANT'S INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Appellant David Stalk respectfully moves this Court to accept for filing, out of time, an extension of time to file the initial brief of appellant and designation of matter. The basis for Appellant's Motion is set forth below.

1. Counsel had calendared the correct due date for the brief but due to administrative error, inadvertently missed filing an extension request with this Court.
2. Counsel now moves to file, out of time, a thirty day extension, until **September 26, 2014**, to file the Initial Brief of appellant and designation of matter in the above-captioned case. This is counsel's **second** request for an extension.

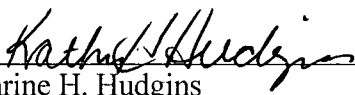
3. In support of the motion, Counsel had an oral argument in the case of State v. Julio Hunsburger in this Court, yesterday, September 9, 2014. Counsel filed the brief of petitioner in the case of Antwan McMilan v. State and the petition for writ of certiorari and accompanying appendix in the case of Milo Tudor v. State in the Supreme Court on September 8, 2014. Counsel filed the return to the petition for rehearing in the case of The State v. Michael Wilson Pearson with this Court on August 29, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Sammy Scarborough with this Court on August 27, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kelvin Mays v. State with the Supreme Court on August 21, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jesse Ray Lane v. State with the Supreme Court on August 18, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Deshawn Powell in this Court on August 14, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Zachary Bullock in this Court on August 6, 2014. Counsel filed the brief of respondent in the case of Shanna Kranchick v. State of South Carolina in this Court on July 18, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Cesar Portillo v. State with the Supreme Court on July 18, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Ted Abney v. State with the Supreme Court on July 18, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Frankie Lee McGee v. State with the Supreme Court on July 18, 2014.

4. As indicated by his consent below, counsel for the State consents to or does not oppose this request

5. This request is made in good faith and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request to file the Initial Brief of Appellant and designation of matter out of time and for a thirty-day extension until **Friday, September 26, 2014.**

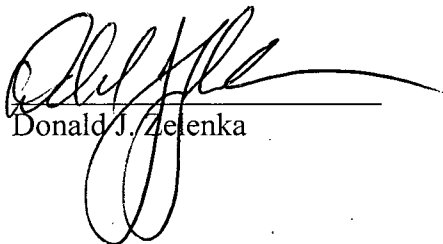
Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender

September 10, 2014.

I consent:



Donald J. Zelenka

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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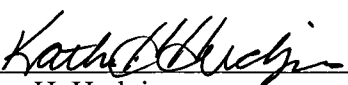
DAVID STALK,

APPELLANT.

Appellate Case No. 2014-000166

CERTIFICATE OF SERVICE

I certify that a true copy of the Motion to File Initial Brief of Appellant and designation of matter Out Of Time and For an Extension in the above case has been served upon Donald J. Zelenka, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 10th day of September, 2014.


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 10th day of September, 2014.


_____(L.S.)
Notary Public for South Carolina

My Commission Expires: October 24, 2021.