

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge

RECEIVED

SEP 22 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

EARNEST STEWART DAISE,

APPELLANT

APPELLATE CASE NO. 2013-002394

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

Counsel for Earnest Stewart Daise respectfully requests an extension of thirty (30) days, **until October 22, 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. 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.
2. Counsel for Earnest Stewart Daise respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. A. Mattison "Matt" Bogan of Nelson Mullins is lead counsel on this appeal.

3. Counsel has been preparing his power-point presentation for the 2014 Annual Public Defender Conference which he will be attending September 22-24, 2014 in Myrtle Beach, South Carolina.

4. Counsel filed the petition for rehearing in the case of State of South Carolina v. Christina Reece with this Court on September 12, 2014. Counsel had an oral argument in the case of State v. Bobbie McCann before this Court on September 12, 2014. Counsel also had an oral argument in the case of State v. Jason Bauman before this Court on September 10, 2014. Counsel also had an oral argument in the case of State v. Derell Green which he assisted Appellate Defender Lara Caudy in preparing to argue for him before this Court on September 8, 2014. Counsel also filed the reply to return to petition for writ of certiorari with co-counsel, Reid T. Sherard in the case of State v. Jamaal Hinson with the Supreme Court on September 8, 2014. Counsel also filed the brief of petitioner with co-counsel, David Alexander, in the case of State v. Darren Gerome Scott with the Supreme Court on September 4, 2014. Counsel also filed the petition for rehearing in the case of The State v. Anthony K. Blakney with this Court on September 4, 2014. Counsel also filed the initial brief of appellant and designation of matter in the case of The State v. Andrew Antonio Clemons with this Court on September 4, 2014. Counsel also filed the record on appeal in the case of Michael D. Hall v. State of South Carolina which was granted, and expedited in the original jurisdiction of the Supreme Court, with the Supreme Court on August 27, 2014. Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Mark Stanley Peters with the Supreme Court on August 25, 2014. Counsel filed the designation of matter in the case of Michael D. Hall v. State of South Carolina with the Supreme Court on August 22, 2014. Counsel also filed the initial brief of respondent in the case of State v. Calvin Pompey with this Court on August 22, 2014. Counsel also filed the initial brief of respondent and designation of matter in the case of

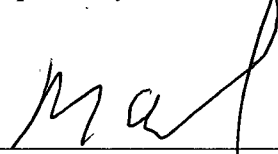
State v. Shannon Scott with the Supreme Court on August 21, 2014. Counsel also filed the petition for rehearing in the case of State v. Victor A. White with this Court on August 21, 2014. Counsel also filed the petition for rehearing in the case of State v. Jefferson Perry with this Court on August 21, 2014. Counsel also filed the initial reply brief of appellant in the case of State v. William Pou with this Court on August 20, 2014. Counsel also had to prepare his power-point presentation for the summary judge's conference Tuesday, August 19, 2014. Counsel also filed the return to motion to appoint outside counsel in the case of Damon Jones aka Damian Jones v. State with the Supreme Court on August 18, 2014. Counsel also was preparing for and attending a reconstruction hearing in the case of State v. Travoris Hurst held in Charleston, SC on August 14, 2014. Counsel also filed the petition for rehearing in State v. Tawanda Allen with this Court on August 13, 2014. Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Charles M. Harris with the Supreme Court on August 8, 2014. Counsel also filed the initial brief of appellant and designation of matter in the case of The State v. Nathaniel Witherspoon with this Court on August 6, 2014. Counsel also filed the petition for writ of certiorari and accompanying appendix with co-counsel, Reid T. Sherard in the case of The State of South Carolina v. Jamaal Hinson with the Supreme Court on July 29, 2014. Counsel also filed the petition to exceed twenty-five page limit for a petition for writ of certiorari in the case of The State of South Carolina v. Jamaal Hinson with the Supreme Court on July 29, 2014. Counsel also filed the return to petition for writ of certiorari in the case of James E. Waiters v. State of South Carolina with the Supreme Court on July 28, 2014. Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of In The Matter of the Care and Treatment of Patrick Guess with the Supreme Court on July 23, 2014.

5. Counsel makes this request in good faith and not for purpose of delay. Counsel is working first on cases that have been extended three times in an effort to make his caseload more manageable and reduce the number of extension in the future.


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

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until October 22, 2014**, 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 brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



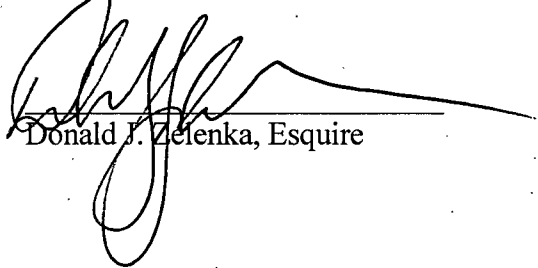
Robert M. Dudek
Chief Appellate Defender



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

This 22nd day of September, 2014.

I consent:



Donald J. Zelenka, Esquire