

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lancaster County

Brian M. Gibbons, Circuit Court Judge

RECEIVED
SEP 26 2014
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL E. HYATT,

APPELLANT

APPELLATE CASE NO. 2014-000083

**PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a **final** thirty-day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. **Counsel will make every effort to file the brief of appellant and designation of matter by October 10, 2014.** In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by four prior orders of this Court. **Counsel regrets requesting a fifth extension in this matter, but the facts presented in the case and Counsel's recent schedule make the extension request necessary.** The case involves

a father and son who were tried together for attempted murder. The case also involves an interpretation of the "Stand Your Ground" statute.

2. Today, Counsel is filing a petition for re-hearing in a capital case, Richard Moore v. State. On September 22-24, 2014, counsel attended the Public Defender Conference in Myrtle Beach, South Carolina. Counsel filed a petition for writ of certiorari in the case of State v. Clarence Williams Jenkins in the Supreme Court on September 24, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Rose in this Court on September 19, 2014. Counsel filed the brief of petitioner in the case of Jomer Hill v. State in this Court on September 17, 2014. Counsel filed the return to motion to dismiss in the case of State v. Kevin L. Howard in this Court on September 15, 2014. Counsel argued the case of State v. Ralph B. Hayes in this Court on September 11, 2014. Counsel argued the case of State v. Matthew Fullbright in this Court on September 10, 2014. Counsel argued in the case of State v. Alexander L. Hunsberger in this Court on September 9, 2014. Counsel argued in the case of Chico Bell v. State in this Court on September 8, 2014. Counsel filed the petition for rehearing in the case of State v. Bentley Collins in the Supreme Court on September 4, 2014. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Alvin D. Arnold in this Court on September 2, 2014.

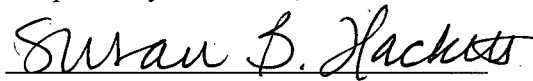
3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Albert Santanio Kelly v. State in the Supreme Court on August 29, 2014. Counsel participated in a reconstruction hearing on August 28, 2014 before the Honorable L. Casey Manning in the case of State v. Michael Hockaday. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James

Simmons, Jr. in this Court on August 20, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Fred R. Rutland v. State in the Supreme Court on August 18, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Walter M. Bash in this Court on August 8, 2014. Counsel filed the Return to petition for writ of certiorari to this Court in the case of State v. Julia Gorman in the Supreme Court on August 6, 2014. Counsel filed the brief of petitioner in the case of Edward Andrell Whitner v. State in this Court on August 4, 2014. Counsel filed the Anders brief of Appellant and designation of matter along with the Record on Appeal in the case of State v. Dayton Frinks in this Court on July 29, 2014.

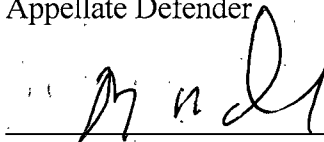
4. This request is made in good faith, and not for purposes of delay.
5. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final** thirty-day extension in which to file the initial brief of appellant and designation of matter in this case. Counsel will make every effort to file the brief and designation of matter by October 10, 2014. Counsel requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

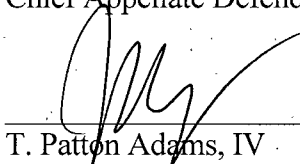
Respectfully submitted,



Susan B. Hackett
Appellate Defender



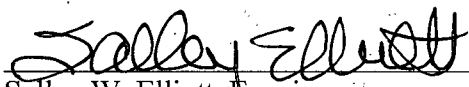
Robert M. Dudek
Chief Appellate Defender



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

September 26, 2014

I DO NOT OPPOSE:



Salley W. Elliott, Esquire