

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from York County

J. Mark Hayes, II, Circuit Court Judge

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OCT 06 2014

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 a **final extension of thirty (30) days until November 5, 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. This is a fourth 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 three 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 October 3, 2014, counsel filed a brief of appellant and record on appeal in State v. David Wayne Thompkins with this Court. On October 2, 2014, counsel filed a brief of appellant and record on appeal in State v. Noeshea F. Samuel with this Court. On September 30, 2014, counsel filed an initial brief of appellant and record on appeal in State v. John William Dobbins with this Court. On September 17, 2014, counsel filed a brief of appellant and record on appeal in State v. Deshawn Foster with this Court. On September 17, 2014, counsel filed a petition for writ of certiorari and accompanying appenidx in Shalla Marshall v. State with the Supreme Court. On September 15, 2014, counsel filed a petition for writ of certiorari and accompanying appenidx in Eddie Pilcher v. State with the Supreme Court. On September 9, 2014, counsel filed a petition for writ of certiorari and accompanying appenidx in Donte L. Capers v. State with the Supreme Court. On September 9, counsel held an oral argument in State v. Sarah Cardwell before this Court. 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.

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.

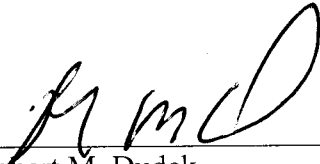
5. Counsel for the Attorney General's office consents to this request shown by signature below.

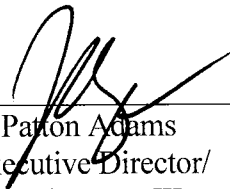
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until November 5, 2014**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

  
Benjamin J. Tripp  
Appellate Defender

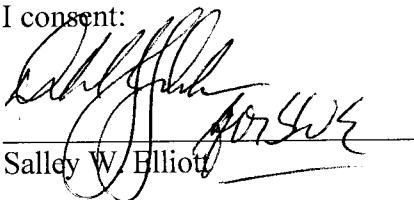
Attorney for Appellant

  
Robert M. Dudek  
Chief Appellate Defender

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

This 6<sup>th</sup> day of October, 2014.

I consent:

  
Salley W. Elliott