

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

R. Markley Dennis, Jr., Circuit Court Judge

RECEIVED

OCT 08 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ALAN L. BURNS,

APPELLANT

APPELLATE CASE NO. 2012-212760

**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. 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.
2. *Counsel will make every effort to file the brief in this case prior to the expiration of the next thirty days.* Nevertheless, counsel requests the extension due to complex nature of the case. As an initial matter, the transcript is over 1000 pages.

Additionally it involves multiple counts of criminal sexual conduct with a minor and the multitude of legal issues specific to such cases. Finally, Mr. Burns represented himself at trial resulting in legal issues relating to self-representation and complexities in the record resulting from such representation.

3. Counsel intends to file the initial brief of appellant and designation of matter in the case of State v. Michael E. Hyatt in this Court on October 10, 2014. Counsel intends to file the petition for rehearing in the case of State v. Desmond Sams in the Supreme Court on October 9, 2014. Counsel argued the case of State v. Marty Baggett in this Court on October 6, 2014. Counsel filed the brief of petitioner in the case of Michael D. Hall v. State in the Supreme Court on October 6, 2014. Counsel filed the Anders brief of Appellant and designation of matter with the Record on Appeal in the case of State v. Courtney Michelle Woodard in this Court on October 6, 2014. Counsel filed the petition for writ of certiorari in the case of Bernard O. Gilliard v. State in the Supreme Court on September 30, 2014. Counsel filed the petition for writ of certiorari in the case of State v. Douglas Bret Bishop in the Supreme Court on September 30, 2014. Counsel filed a petition for re-hearing in a capital case, Richard Moore v. State on September 26, 2014. On September 22-24, 2014, counsel attended the Public Defender Conference in Myrtle Beach, South Carolina. Counsel filed the 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

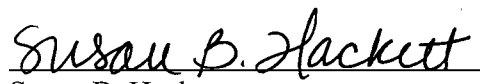
this Court on September 15, 2014. Counsel argued the case of State v. Ralph B. Hayes in this Court on September 11, 2014. Counsel argued the case of State v. Matthew Fullbright in this Court on September 10, 2014. Counsel argued in the case of State v. Alexander L. Hunsberger in this Court on September 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. 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, 2014.³ 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.

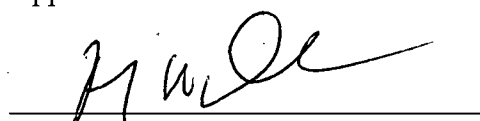
4. This request is made in good faith, and not for purposes of delay.
5. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

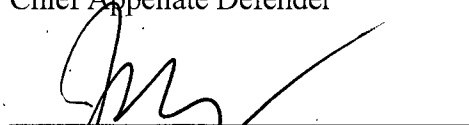
WHEREFORE, the undersigned counsel would respectfully request a **final** thirty-day extension in which to file the initial brief of appellant and designation of matter in this

case. Counsel 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,

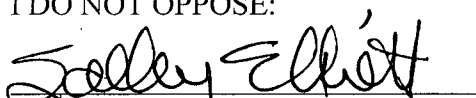

Susan B. Hackett
Appellate Defender


Robert M. Dudek
Chief Appellate Defender


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

October 8, 2014

I DO NOT OPPOSE:


Salley W. Elliott, Esquire