

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Berkeley County

Stephankie P. McDonald, Circuit Court Judge

RECEIVED

OCT 13 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

MARCUS GREENE,

APPELLANT

APPELLATE CASE NO. 2013-001976

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

Counsel for Marcus Greene respectfully requests a **final thirty (30) day extension, until November 12, 2014**, in which to file the Initial Brief of Respondent 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 respondent and designation of matter are due to be filed with the Court today.

2. Counsel for Marcus Greene respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. *Counsel regrets having to request this extension and will make every effort to file the brief prior to the thirty day deadline.* Counsel has had administrative responsibilities recently which have taken a great deal of

time from his caseload including hiring two Appellate Defenders, and having to interview for an administrative position.

3. Counsel had planned for the last extension to be a final extension but counsel had an oral argument in the case of The State v. Christopher Heller before the Supreme Court on October 7, 2014. Counsel also filed the final brief of petitioner in the case of Michael D. Hall v. State of South Carolina (Supreme Court) with co-counsel, Susan B. Hackett and David Alexander, with the Supreme Court on October 6, 2014. Counsel had an oral argument in the case of The State v. Antonio Miller before this Court on October 6, 2014. Counsel filed the petition for rehearing in the case of The State v. Michael Anthony Rogers in this Court on October 2, 2014. Counsel also went to death row at Lieber Correctional Institution on October 1, 2014 to meet with John Edward Weik. Counsel filed the petition for rehearing with co-counsel, Susan Hackett, in the case of Richard Bernard Moore v. State of South Carolina with the Supreme Court on September 26, 2014. Counsel prepared for and presented his Case Law Update power-point presentation for the 2014 Annual Public Defender Conference held September 22-24, 2014 in Myrtle Beach, South Carolina. 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

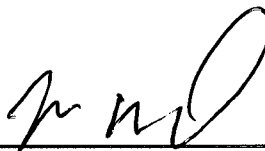
September 4, 2014. Counsel also filed the petition for rehearing in the case of The State v. Anthony K. Blakney with this Court on September 4, 2014. Counsel also filed the initial brief of appellant and designation of matter in the case of The State v. Andrew Antonio Clemons with this Court on September 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 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 on August 19, 2014. Counsel also had a reconstruction hearing in the case of State v. Travoris Hurst 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.

4. 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 extensions in the future.

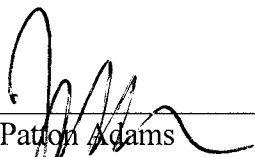
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until November 12, 2014**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will endeavor to file the brief before that deadline if at all possible.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



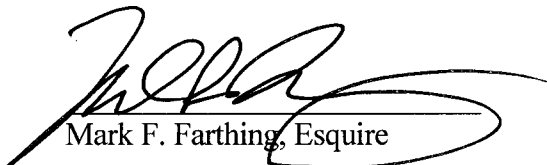
Robert M. Dudek
Chief Appellate Defender



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

This 13th day of October, 2014.

I consent:



Mark F. Farthing, Esquire