

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Sumter County

George C. James, Jr., Circuit Court Judge

RECEIVED

OCT 20 2014

SC Court of Appeals

TIMOTHY D. DINGLE,

APPELLATE,

V.

THE STATE,

RESPONDENT.

APPELLATE CASE NO. 2013-001785

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

Counsel for Timothy D. Dingle respectfully requests a **final two (2) day extension, until October 22, 2014**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel regrets the necessity of this extension request and will make every attempt to file the brief before the requested deadline but the facts that follow make this extension request absolutely necessary.** 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 Timothy D. Dingle 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. Counsel is working on and will be filing the initial brief of appellant and designation of matter in the case of The State v. Demetriss Glenn with this Court on October 22, 2014. Counsel is working on and will be filing the petition for writ of certiorari and accompanying appendix in the case of The State v Tawanda Allen with the Supreme Court on October 29, 2014. Counsel is also working on and will be filing the petition for writ of certiorari and accompanying appendix in the case of The State v. Victor White with the Supreme Court on October 29, 2014.

4. Counsel filed the petition for rehearing in the case of The State v Jason A. Bauman with this Court on October 16, 2014. Counsel had an oral argument in the case of The State v. Christopher Heller before the Supreme Court today, October 7, 2014. Counsel 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.

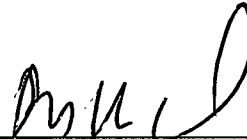
5. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

will hopefully become more manageable in the near future, and less extensions will need to be requested.

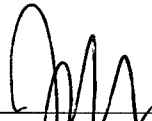
6. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final two (2) 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 will make every attempt to file the brief and designation early.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



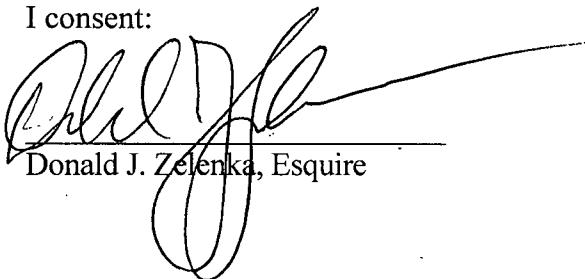
Robert M. Dudek
Chief Appellate Defender



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

This 20th day of October, 2014.

I consent:



Donald J. Zelenka, Esquire