

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge

RECEIVED
OCT 22 2014
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

EARNEST STEWART DAISE,

APPELLANT

APPELLATE CASE NO. 2013-002394

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

Counsel for Earnest Stewart Daise respectfully requests an extension of thirty (30) days, **until November 21, 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. 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 Earnest Stewart Daise respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. A. Mattison “Matt” Bogan of Nelson Mullins is lead counsel on this appeal.

3. Counsel is working on and will be filing the initial brief of appellant and designation of matter in the case of Timothy D. Dingle v. The State (murder case) with this

Court today, October 22, 2014. Counsel is working on and planning to file the initial brief of appellant and designation of matter in the case of The State v. Bradley Gerald Mullins with this Court on October 27, 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. Victor White with the Supreme Court on October 29, 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 the death penalty case of The State v. Ricky Lee Blackwell.

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 on 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 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

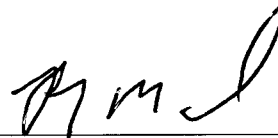
v. Derell Green which he assisted Appellate Defender Lara Caudy in preparing to argue for him before this Court on September 8, 2014. Counsel also filed the reply to return to petition for writ of certiorari with co-counsel, Reid T. Sherard in the case of State v. Jamaal Hinson with the Supreme Court 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 State v. Anthony K. Blakney with this Court on September 4, 2014.

5. 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 extension in the future.

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

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until November 21, 2014**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



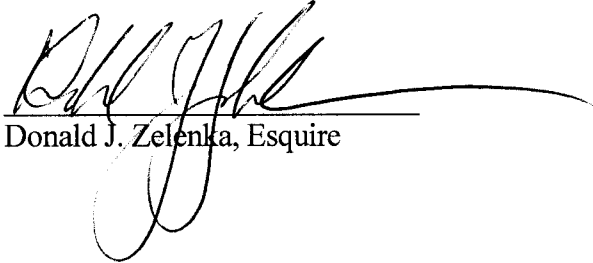
Robert M. Dudek
Chief Appellate Defender



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

This 22nd day of October, 2014.

I consent:



Donald J. Zelenka, Esquire