

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

IN THE COURT OF COMMON PLEAS OF THE  
FIFTEENTH JUDICIAL CIRCUIT

09-CP-26-1281, 3127, 3128 **RECEIVED**

J. Gregory Hembree, as Solicitor, )  
of the Fifteenth Judicial Circuit, )  
o/b/o Horry County Police )  
Department, )

OCT 27 2014

**SC Court of Appeals**

Plaintiff, )

**MOTION FOR EXTENSION OF TIME  
IN WHICH TO FILE INITIAL BRIEF  
AND DESIGNATION OF MATTER**

v. )

173968

Michaela Albin, individually and )  
as personal representative of the )  
Estate of Michael J. Albin, )  
Defendant. )

The Appellant, by and through her undersigned counsel, hereby moves for an extension of time to file Initial Brief and Designation of Matter to be included in the record pursuant to Rule 240, SCACR. This Motion is based upon the grounds that Appellant's counsel is presently engaged in a jury trial for murder in Conway before the Hon. Steven H. John which began on Monday, October 13 and is likely to continue through the coming weekend.

Respondent's counsel has indicated he has no objection to an extension of thirty (30) days to December 7, 2014.

I So Move:

Myrtle Beach, S.C.  
October 17, 2014

  
\_\_\_\_\_  
Attorney for the Appellant

David J. Canty, Esq.  
4612 Oleander Drive  
Myrtle Beach, S.C. 29577  
Office (843) 449-6304  
Fax (843) 449-4249  
mbcounsel@frontier.com

STATE OF SOUTH CAROLINA )  
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Department, )  
Plaintiff, )

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**SC Court of Appeals**

v. )

AFFIDAVIT OF COUNSEL

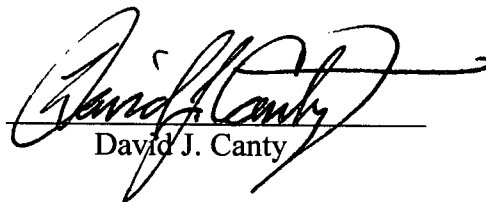
Michaela Albin, individually and )  
as personal representative of the )  
Estate of Michael J. Albin, )  
Defendant. )

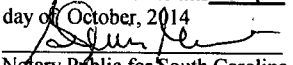
Personally Appeared before me David J. Canty who, being duly sworn, deposes and says:

1. That he is counsel for the Appellant in this matter.
2. That he is defense counsel in the matter of State v. Carnail Graham, charged with murder.
3. That jury selection was held on Monday, October 13 and the trial continues as of this date with numerous witnesses yet to testify.
4. That the unexpected length of the trial as well as its complexity necessitate the Appellant's attached Motion for Extension of Time.

Further the Affiant Sayeth Not.

Myrtle Beach, S.C.

  
David J. Canty

Sworn to before me this 17<sup>th</sup>  
day of October, 2014  
  
Notary Public for South Carolina  
My Commission Expires: 08/06/19

**David J. Canty, P.A.**

**Attorney at Law  
4612 Oleander Drive  
Myrtle Beach, S.C. 29577**

Telephone (843) 449-6304  
Fax (843) 449-4249  
Email: [mbcounsel@frontier.com](mailto:mbcounsel@frontier.com)

October 20, 2014

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OCT 27 2014

**SC Court of Appeals**

**Hon. V. Claire Allen  
Deputy Clerk of Court  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211**

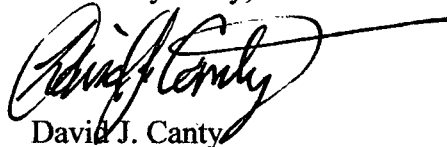
Re: J. Gregory Hembree o/b/o HCPD v. Michael James Albin  
Case Nos: 2009-CP-26-1281  
2009-CP-26-3128  
2009-CP-26-3127

Dear Madam Clerk,

Enclosed please find the original and six (6) copies of Appellant's Motion for Extension of Time in which to file Initial Brief and Designation of Matter to be included in the Record together with my check no. 8109 in the amount of \$25.00 for your filing fee and proof of service upon Respondent's counsel.

I am in trial in a murder case in Conway and opposing counsel in this matter indicates he has no objection. Many thanks in advance for the Court's kind consideration.

Thanking You and With Best Wishes,  
Yours Very Truly,



David J. Canty

cc: clt.  
James R. Battle, II, Esq.

**David J. Canty, P.A.**

Attorney at Law  
4612 Oleander Drive  
Myrtle Beach, S.C. 29577



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