

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Certiorari to Abbeville County

Frank R. Addy, Circuit Court Judge  
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NOV 10 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JAMES SCOTT CROSS,

APPELLANT.

APPELLATE CASE NO. 2013-002596  
\_\_\_\_\_

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

Counsel for James Scott Cross respectfully requests a **final twenty-five (25) day extension, until December 5, 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 James Scott Cross 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 twenty-five day deadline.*

3. Counsel will be filing the initial brief of respondent in the case of The State v. Marcus Greene with the Court of Appeals on November 12, 2014. Counsel will also be filing the United States certiorari petition in the case of Bayan Aleksey v. State of South Carolina on November 24, 2014.

4. Counsel gave a presentation that he continued to prepare for after doing the materials on the Fourth Amendment for the Summary Judge's Conference on November 7, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Bradley Gerald Mullins with this Court on November 4, 2014. Counsel filed a petition for stay of execution in the case of The State v. Richard Moore with the Supreme Court on October 31, 2014. Counsel presented the Appellate Project CLE on October 30, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Victor White with the Supreme Court on October 30, 2014. Counsel attended a PCR hearing on October 29, 2014 in Dorchester County in the case of Walter Lee Harris v. State of South Carolina. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Tawanda Allen with the Supreme Court on October 27, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of Timothy D. Dingle v. The State (murder case) with this Court on October 22, 2014. 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 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

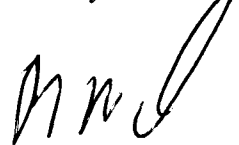
petition for rehearing with co-counsel, Susan Hackett, in the case of Richard Bernard Moore v. State of South Carolina with the Supreme Court on September 26, 2014. Counsel prepared for and presented his Case Law Update power-point presentation for the 2014 Annual Public Defender Conference held September 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.

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 extensions in the future.

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

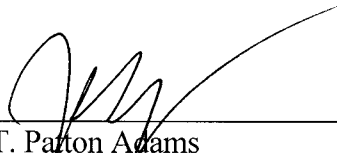
WHEREFORE, the undersigned counsel would respectfully request a **final twenty-five (25) day extension, until December 5, 2014**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will endeavor to file the brief 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,



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Robert M. Dudek  
Chief Appellate Defender

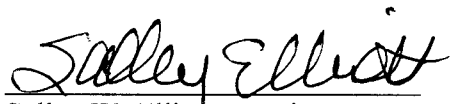


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T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

This 10<sup>th</sup> day of November, 2014.

I consent:



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Salley W. Elliott, Esquire