

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**SC Court of Appeals**

APPEAL FROM RICHLAND COUNTY

R. Knox McMahon, Circuit Court Judge

Case No. 2012-CP-29-616

The State, ..... Respondent,

v.

Devatee Tymar Clinton, ..... Appellant.

**MOTION FOR EXTENSION OF TIME**

Pursuant to Rules 240 and 263(b), SCACR, Appellant Devatee Tymar Clinton respectfully moves this Court for an extension of time in which to file the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal. In support of this Motion, Mr. Clinton states as follows:

1. Appointed Counsel for Mr. Clinton was appointed by Order of the Court on October 7, 2014.
2. Under the same Order, the due date for Mr. Clinton's Initial Brief was set for December 8, 2014.
3. Appointed Counsel is informed that Appellate Defense requested, and was granted, two extensions previously to file the Initial Brief of Appellant and Designation

of Matter to be Included in the Record on Appeal, on July 9, 2014 and October 10, 2014, respectively.

4. Appointed Counsel for Mr. Clinton respectfully requests an extension of time of 30 days to file the Initial Appellants Brief and Designation of Matter to be Included in the Record on Appeal in order to adequately study the sizeable record and provide meaningful defense to Mr. Clinton as a part of the Appellate Practice Project. Appointed Counsel also has work schedule conflicts coinciding with the current due date, including other deadlines for appeals pending before the Court.

5. If the Court grants this request, Counsel for Mr. Clinton calculates that Initial Appellants Brief will be due on January 7, 2015.

6. This is the first request for an extension by Appointed Counsel for Mr. Clinton in this appeal.

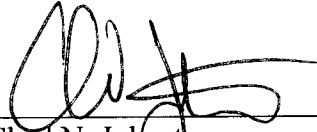
7. This request is made in good faith, and not for purposes of delay.

8. Counsel for Mr. Clinton has consulted with Counsel for the State, and I am authorized to report that the State has no objection this request.

Counsel for Appellant Mr. Clinton therefore respectfully requests that this Court grant this Motion and extend the time for filing the Initial Appellants Brief and Designation of Matter to be Included in the Record on Appeal until January 7, 2015.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



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Chad N. Johnston  
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(803) 252-3300

Robert M. Dudek  
Chief Appellate Defender  
**SOUTH CAROLINA COMMISSION ON  
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1330 Lady Street, Suite 401  
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Counsel for Appellant  
Devatee Tymar Clinton

Columbia, South Carolina  
November 19, 2014

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**Certificate of Service**

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This is to certify that I, a paralegal with the law firm Willoughby & Hoefer, P.A., have caused to be served this day one (1) copy of the **Appellant's Motion for Extension of Time** by hand delivery to the following:

Robert M. Dudek  
Chief Appellate Defender  
SOUTH CAROLINA COMMISSION ON  
INDIGENT DEFENSE  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201

Donald J. Zelenka  
Senior Assistant Deputy Attorney General  
South Carolina Attorney General's Office  
1000 Assembly Street  
Columbia, S.C. 29201

Breanna M. Karns  
Breanna M. Karns

Columbia, South Carolina  
This 19th day of November 2014

**WILLOUGHBY & HOEFER, P.A.**

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JOHN W. ROBERTS  
ANDREW J. D'ANTONI

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\*ALSO ADMITTED IN TX  
\*\*ALSO ADMITTED IN THE DISTRICT OF COLUMBIA

November 19, 2014

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: *The State v. Devatee Clinton*;  
Appellate Case No. 2014-000594

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the **Motion for Extension of Time** to file the Initial Brief of Appellant and Designation of Matter to be Included in the Appeal, of Appellant Devatee Clinton, along with a Certificate of Service. Please file-stamp the extra copy and return it via my courier.

Thank you for your time and consideration. If you have any questions or if you need any additional information, please do not hesitate to contact me.

Very truly yours,

**WILLOUGHBY & HOEFER, P.A.**



Chad Johnston

Enclosures

cc: Robert M. Dudek, Esquire (via hand delivery with enclosures)  
Donald J. Zelenka, Esquire (via hand delivery with enclosures)  
Devatee Clinton (via U.S. Mail with enclosures)