

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Abbeville County
Frank R. Addy, Circuit Court Judge

RECEIVED

JAN 05 2015

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 **thirty-day (30) extension, until February 4, 2015**, 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 James Scott Cross 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. Pursuant to the Supreme Court's Order dated December 30, 2014, counsel is working on and will be filing the initial brief of appellant and designation of matter in the death penalty case of The State v. Ricky Lee Blackwell with the Supreme Court that unexpectedly became due on January 8, 2015. Therefore, all of counsel's time until January 8, 2015 will be devoted solely to that case. Counsel also has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight.

4. Counsel filed the petition for rehearing in the case of The State v. Victor Weldon with this Court on December 31, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Torren Marquize Eady with this Court on December 22, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Rodney Thompson v. State of South Carolina with the Supreme Court on December 19, 2014. Counsel filed the brief of petitioner in the case of The State v. Charles Monroe Harris with the Supreme Court on December 18, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Martha Elizabeth Hale with this Court on December 16, 2014. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Marcus Greene with this Court on December 12, 2014. Counsel had an oral argument in the case of The State v. Derrick McDonald before the Supreme Court on December 11, 2014. Counsel also filed the brief of petitioner in the case of The State v. South Carolina v. Manuel Marin with co-counsel David Alexander with the Supreme Court on December 11, 2014. Counsel had an oral argument in the case of Michael D. Hall v. State of South Carolina, et al. before the Supreme Court on December 9, 2014. Counsel had an oral argument in the case of

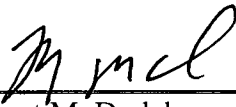
Michael A. Hough v. The State which he assisted Appellate Defender Lara Caudy in preparing to argue for him before this Court on December 8, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tommy Toomer v. State of South Carolina with the Supreme Court on December 8, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Laborse Macon with this Court on December 5, 2014. Counsel filed the petition for writ of certiorari in the case of The State v. Michael Rogers with the Supreme Court on December 4, 2014. Counsel filed the petition for writ of certiorari in the case of The State v. Jefferson Perry with the Supreme Court on December 4, 2014. Counsel filed the petition for writ of certiorari in the case of The State v. Anthony K. Blakney with the Supreme Court on December 4, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ryan P. Deleston with this Court on December 3, 2014. Counsel filed the petition for rehearing in the case of The State v. Antonio Miller with this Court on December 1, 2014. Counsel filed the United States certiorari petition in the case of Bayan Aleksey v. State of South Carolina on November 24, 2014. Counsel filed the petition for writ of certiorari in the case of Richard Keith Poe v. State of South Carolina with the Supreme Court on November 21, 2014. Counsel attended a PCR Hearing on November 18, 2014 in Richland County in the case of Quincy Jovan Allen v. The State. Counsel filed the petition for writ of certiorari in the case of Sammie Louis Stokes v. State of South Carolina (death penalty case) with the Supreme Court on November 12, 2014, with co-counsel Keir Weyble. 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.

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.

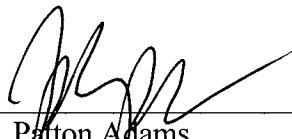
6. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until February 4, 2015**, 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,



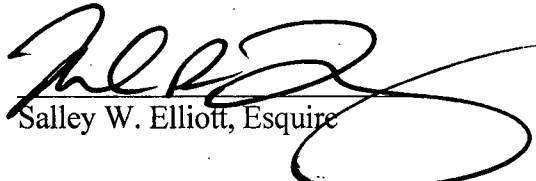
Robert M. Dudek
Chief Appellate Defender



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

This 5th day of January, 2015.

I consent:


for Salley W. Elliott, Esquire