

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Beaufort County

Carmen T. Mullen, Circuit Court Judge

RECEIVED

JAN 21 2015

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 a **final thirty (30) day extension, until February 20, 2015** in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel is working on this case with co-counsel Matt Bogan of the Nelson-Mullins firm as part of the pro bono project with the Appellate Division. Undersigned counsel's recent workload has prevented him from corroborating properly with Mr. Bogan.** 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.

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

2. Counsel for Earnest Stewart Daise 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 thirty day deadline.*

3. Counsel is working on and will be filing the petition for writ of certiorari and accompanying appendix in the case of Turuk Saunders v. State of South Carolina today, January 21, 2015. The appendix in that case is **693** pages long. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight. Counsel also has been training three new appellate defenders to include reading their briefs and certiorari petitions.**

4. Counsel filed the reply brief to the state's brief in opposition to petition in the death penalty case of Bayan Aleksey v. State of South Carolina with the United States Supreme Court on January 15, 2015. Counsel filed the brief of appellant pursuant to White v. State in the case of John William Dixon v. State of South Carolina, and the certiorari petition, with this Court on January 13, 2015. **Counsel filed the initial brief of appellant and designation of matter (7 issues and 111 pages) in the death penalty case of The State v. Ricky Lee Blackwell with this Court on January 8, 2015.** Counsel is working to bring extensions in this Court since the Blackwell case, and apologizes for the necessity of this final extension. 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

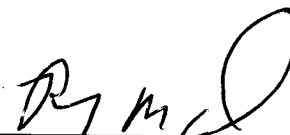
November 21, 2014. **Counsel has also been working on the death penalty case of Richard Bernard Moore v. South Carolina wherein the petition for writ of certiorari in the United States Supreme Court is the next procedural step.**

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.

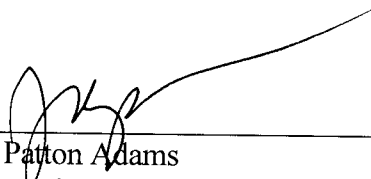
6. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until February 20, 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 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,



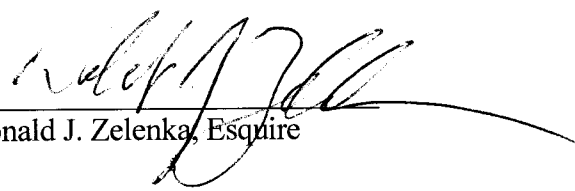
Robert M. Dudek
Chief Appellate Defender



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

This 21st day of January, 2015.

I consent:



Donald J. Zelenka, Esquire