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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County
R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JUSTIN R. SIMMS,

APPELLANT

APPELLATE CASE NO. 2013-002748

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Quinton Dewayne Inman v. State of South Carolina with the Supreme Court on February 13, 2015. Counsel filed the brief of appellant in the case of State v. Robert Wilson Woods with this Court on February 12, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Edgar B. Merrifield with this Court on February 9, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jimmy Turner

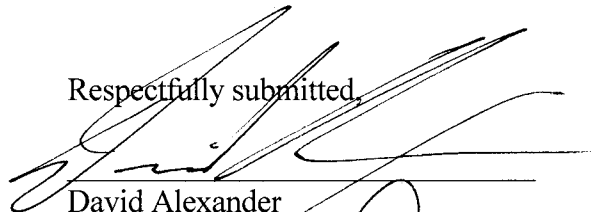
with this Court on February 5, 2015. Counsel had an oral argument in the case of State v. Brenda Bratschi in this Court on February 3, 2015. Counsel had an oral argument in the case of State v. Charles Ray Dean in this Court on February 3, 2015. Counsel filed the brief of appellant in the case of State v. Lanell Goodwine with this Court on January 30, 2015. Counsel filed the brief of appellant in the case of State v. Carlos Roberto Lopez with this Court on January 28, 2015. Counsel filed the brief of appellant in the case of State v. John Bryan Martin with this Court on January 23, 2015. Counsel filed the brief of petitioner in the case of Darrell L. Goss v. State of South Carolina with this Court on January 20, 2015. Counsel filed the brief of petitioner in the case of State v. Jason Alan Johnson with the Supreme Court on January 20, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Christopher Meadows with this Court on January 16, 2015. Counsel filed the brief of appellant in the case of State v. Gonzales Wardlaw with this Court on January 16, 2015. Counsel filed the brief of appellant in the case of State v. Prince Snipes with this Court on January 14, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Anthony Jackson with the Supreme Court on January 12, 2015. Counsel filed the brief of respondent in the case of State v. Kevin Tyrone Bennett with the Supreme Court on January 12, 2015. On January 8, 2015, together with co-counsel Robert M. Dudek, counsel filed the initial brief of appellant in the capital case of State v. Ricky Blackwell in the Supreme Court. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Sheldon Lamar Kelly with this Court on December 29, 2014.

3. This request is made in good faith, and not for purposes 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.

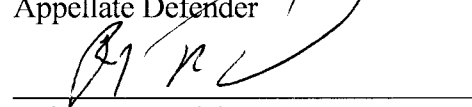
4. As indicated by the consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



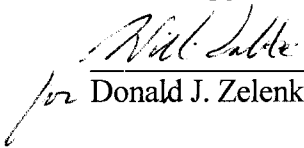
David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

February 20th, 2015

I do not oppose:



for Donald J. Zelenka, Esquire