

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Aiken County

Donald B. Hocker, Circuit Court Judge

RECEIVED

FEB 20 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN UPSON,

APPELLANT

APPELLATE CASE NO. 2014-000852

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

Counsel for Elder Prescott Leach respectfully requests a **fourth and final** extension of thirty (30) days, **until March 23, 2015**, 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. This is a fourth request for an extension. 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. The Court has granted counsel three previous extensions.
2. Counsel for John Upson 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. Counsel is working on and will be filing the petition for writ of certiorari and accompanying appendix in the case of Scott Parker v. The State of South Carolina with the Supreme Court today, February 20, 2015. Counsel filed the brief of appellant and designation of matter in the case of The State v. Elder Prescott Leach with this Court on February 9, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Alexander Carmichael Huckabee with this Court on February 4, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Michael Bailey v. State of South Carolina with the Supreme Court on January 28, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Lloyd Wright v. State of South Carolina with the Supreme Court on January 20, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. James Clyde Dill, Jr. with this Court on January 12, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Dominique Julius Agurs with this Court on January 9, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kevin K. Fowler v. State of South Carolina with the Supreme Court on January 7, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jarvis Gibbs v. State of South Carolina with the Supreme Court on January 7, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Phillip Fleming Watts v. State of South Carolina with the Supreme Court on January 7, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jacob Heyward Seay 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. Jay C. Carr with this Court on December 31, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Michael A. Smith v.

State of South Carolina with the Supreme Court on December 29, 2014. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Christopher Johnson v. State of South Carolina with the Supreme Court on December 22, 2014. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Christopher T. Gamble with this Court on December 17, 2014.

4. 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.

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

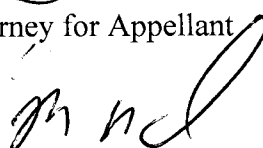
WHEREFORE, the undersigned counsel would respectfully request **a final thirty (30) day extension, until March 23, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,




John Strom
Appellate Defender

Attorney for Appellant



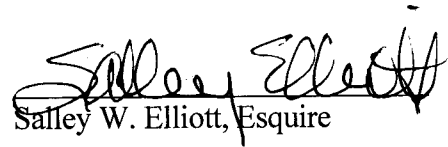
Robert M. Dudek
Chief Appellate Defender



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

This 20th day of February, 2015

I consent:


Salley W. Elliott, Esquire