

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

William Jeffrey Young, Circuit Court Judge

RECEIVED
MAR 02 2015
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GARY R. DARGAN,

APPELLANT.

APPELLATE CASE NO. 2014-000851

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

Counsel for Gary R. Dargan respectfully requests an extension of thirty (30) days, **until April 2, 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. 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 Gary R. Dargan respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. Counsel will be traveling to and testifying at a hearing in the case of State v. Christopher Stephen Stanko death penalty PCR hearing in Conway on Tuesday, March 3, 2015.

Counsel is working on and will be presenting a power-point presentation at the South Carolina Association of Criminal Defense Lawyers Seminar on Friday, March 6, 2015. Counsel is working on and will be filing the certiorari petition in the United States Supreme Court in the death penalty case of Richard Moore v. State of South Carolina on March 23, 2015. **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 prior to their filing.**

4. Counsel **unexpectedly** had to file (with co-counsel, David Alexander) a petition for extraordinary relief in the case of Marion Alexander Lindsey v. State of South Carolina (death penalty case) with the Supreme Court yesterday, February 26, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Victor Weldon with the Supreme Court yesterday, February 26, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Antonio Miller with the Supreme Court on February 25, 2015. Counsel filed the petition for rehearing in the case of Michael A. Hough v. The State of South Carolina with this Court on February 25, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ricky Eugene Passmore with this Court on February 20, 2015. Counsel filed the brief of respondent in the case of James Clayton Helms v. State of South Carolina with this Court on February 13, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ronald Lee Legg with this Court on February 10, 2015. Counsel filed the return to motion to seal or strike in the case of State of South Carolina v. Ricky Lee Blackwell with the Supreme Court on February 9, 2015. Counsel filed the initial brief of appellant (3 issues) and designation of matter in the case of State v. Christina Reece with this Court on February 6, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Scott Cross

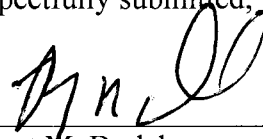
with this Court on February 4, 2015. Counsel had an oral argument in the case of The State v. Keith Letmon before this Court on February 3, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Shedrix Steward with this Court on January 30, 2015. Counsel filed the petition for rehearing in the case of The State v. Albert Brandeberry with this Court on January 29, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Paul Leslie Cox v. State of South Carolina with the Supreme Court on January 28, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Jason A. Bauman with the Supreme Court on January 26, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. David Penn with this Court on January 23, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Turuk Saunders v. State of South Carolina with the Supreme Court on January 21, 2015. Counsel filed the reply to brief in opposition to petition for writ of certiorari filed by the Attorney General's Office on December 31, 2014 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 with the Supreme Court on January 13, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix and supplemental appendix in the case of John William Dixon v. State of South Carolina with the Supreme 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 the Supreme Court on January 8, 2015.

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 extension **in the near future.**

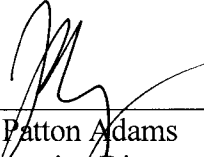
6. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until April 2, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



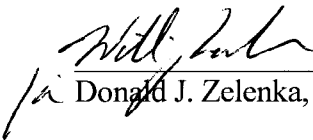
Robert M. Dudek
Chief Appellate Defender



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

This 2nd day of March, 2015.

I consent:


Donald J. Zelenka, Esquire