

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Horry County

Edward B. Cottingham, Circuit Court Judge

RECEIVED
FEB 27 2015
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

JOSHUA GRIFFITH,

APPELLANT.

APPELLATE CASE NO. 2014-000066

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

Counsel for Joshua Griffith respectfully requests a **final nineteen (19) day extension, until Wednesday, March 18, 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, William Hank Ehlies, Esquire, of Greenville, who is working pro bono with the Appellate Division on this case, with the assistance of a University of Virginia law student.** 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. **The transcript is 1,322 pages long.**

2. Counsel for Joshua Griffith 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 March 18, 2015. Counsel regrets the necessity of this final extension but submits extraordinary circumstances justify it.*

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

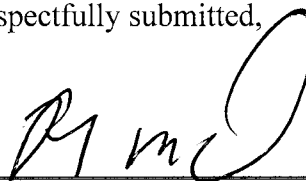
appendix in the case of John William Dixon v. State of South Carolina with the Supreme Court on January 13, 2015. Counsel filed the initial brief of appellant and designation of matter (7 issues and 111 pages) in the death penalty case of The State v. Ricky Lee Blackwell with the Supreme Court on January 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 extensions **in the near future**.

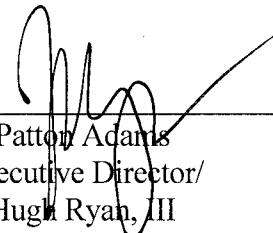
6. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final nineteen (19) day extension, until March 18, 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,



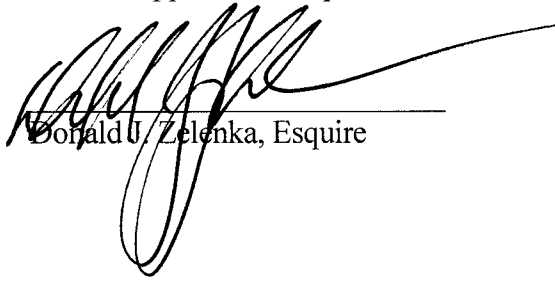
Robert M. Dudek
Chief Appellate Defender



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

This 27th day of February, 2015.

I do not oppose this request:



Donald J. Zelenka, Esquire