

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Horry County
Steven H. John, Circuit Court Judge

RECEIVED
MAR 04 2015
SC Court of Appeals

THE STATE,

RESPONDENT

V.

ARMANDO CHESTNUT,

APPELLANT.

APPELLATE CASE NO. 2013-002123

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

Counsel for appellant respectfully requests a **final sixteen (16) day extension, until March 20, 2015**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will attempt to file the brief before the requested deadline if at all possible.** 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 **regrets having to ask for this extension** but respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel should not have to make any more such extraordinary – beyond normal extension**

requests again – after working to get his caseload back to normal after the unexpected death penalty deadline in State v. Blackwell.

3. Counsel is working on and will be presenting a power-point presentation at the SCACDL Criminal Defense Seminar on Friday, March 6, 2015. Counsel is working on and will be filing the United States certiorari petition in the 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 reply to the return to petition for extraordinary relief in the case of Marion Alexander Lindsey v. State of South Carolina (death penalty case) with the Supreme Court yesterday afternoon, March 3, 2015. Counsel traveled to and testified at a hearing in the death penalty PCR case of State v. Christopher Stephen Stanko yesterday, March 3, 2015. 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 on February 26, 2015. Counsel is also working on the case of State v. Walker Hughes, which has a lengthy transcript in a murder case, and is due Friday, March 13, 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 on 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 merits 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.

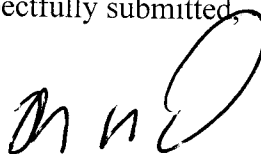
Counsel filed the petition for writ of certiorari and accompanying appendix and supplemental appendix in the case of John William Dixon v. State of South Carolina with the Supreme Court on January 13, 2015. Counsel filed the initial brief of appellant and designation of matter (7 issues and 111 pages) 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. **As stated, Counsel is now almost caught up on his workload after the State of South Carolina v. Ricky Lee Blackwell case, and all future extensions should be four or less.**

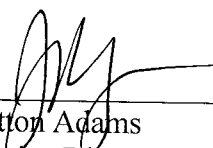
6. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final sixteen (16) day extension, until March 20, 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,



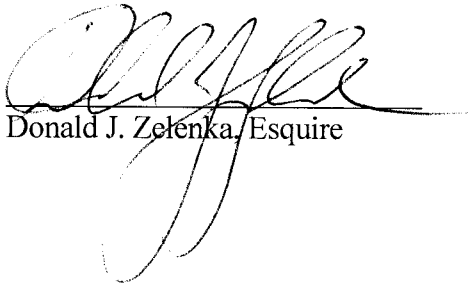
Robert M. Dudek
Chief Appellate Defender



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

This 4th day of March, 2015.

I do not oppose:



Donald J. Zelenka, Esquire