

**RECEIVED**  
MAR 16 2015  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Richland County  
Clifton Newman, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

CALVERT MYERS,

APPELLANT.

APPELLATE CASE NO. 2014-001803

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

Counsel for Calvert Myers respectfully requests an extension of thirty (30) days, **until April 15, 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 third 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.
2. Counsel for Calvert Myers respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.

3. Counsel is working on and will be filing the petition for rehearing in the case of State v. William Pou with this Court on Thursday, March 19, 2015. Counsel is also working on and will be filing the initial brief of appellant and designation of matter in the case of State v. Armando Chestnut with this Court on Friday, March 20, 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 Monday, 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.** Counsel filed the initial brief of appellant and designation of matter in the case of State v. Walker Hughes with this Court on March 13, 2015. Counsel presented a power-point presentation at the SCACDL Criminal Defense Seminar on March 6, 2015. 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 on March 3, 2015. Counsel traveled to and testified at a hearing in the case of State v. Christopher Stephen Stanko on 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 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.

4. 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**.

5. 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 15, 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,



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Robert M. Dudek  
Chief Appellate Defender

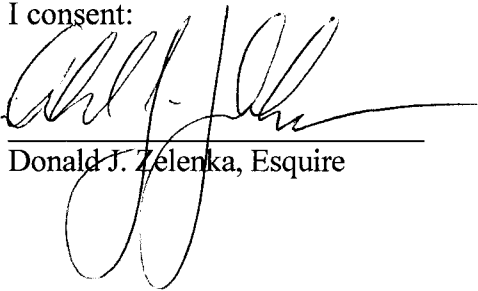
*See Attached Letter*

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

This 16<sup>th</sup> day of March, 2015.

I consent:



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Donald J. Zelenka, Esquire

 ORIGINAL



Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

March 16, 2015

**RECEIVED**  
MAR 16 2015  
**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Dear Ms. Kitchings:

In absence of Hugh Ryan, Deputy Attorney and General Counsel for the South Carolina Commission on Indigent Defense, and Patton Adams, Executive Director of the South Carolina Commission on Indigent Defense, and pursuant to instructions from Mr. Ryan, I ask that you accept this cover letter as an attempt to comply with the Court's order dated March 18, 2009, in regard to extension requests.

In the attached motion for an extension of time, Chief Appellate Defender, Robert M. Dudek, seeks a thirty-day extension of time to file the initial brief of appellant and designation of matter. Based on that and his extremely heavy case load, as outlined in the motion, he was unable to complete the initial brief of appellant and designation of matter.

Thank you for allowing me to bring this to your attention. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Lisa Campbell  
Assistant Director  
South Carolina Commission on  
Indigent Defense