

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Horry County

Edward B. Cottingham, Circuit Court Judge

RECEIVED
MAR 18 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 appellant respectfully requests a **final sixteen (16) day extension, until April 3, 2015**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. Counsel has been working with **co-counsel Hank Ehlies, of Greenville, on this case, and Mr. Ehlies also has the research assistance of a University of Virginia third year law student under his supervision.** Counsel had planned to file the brief today, **but more work and rewriting is unexpectedly necessary.** Counsel regrets having to ask for this additional extension but believes it would be very shortsighted to file the initial brief without additional substantial changes. Nonetheless, counsel regrets the necessity of this unexpected extension request. Counsel has explained the situation in detail to opposing counsel, Donald J. Zelenka, and he graciously does not oppose this unexpected final

extension request. As earlier stated, counsel has endeavored, and should now be at the point, of having his extension requests within a normal expectations given his extensive duties as Chief Appellate Defender, and his very heavy caseload. 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 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 tomorrow, 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 certiorari petition in the United States Supreme Court in the death penalty PCR 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, and that entails reading their briefs and certiorari petitions prior to their filing.**

4. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Walker Hughes with this Court on Friday, March 13, 2015. Counsel presented a power-point presentation at the SCACDL Criminal Defense Seminar on March 6, 2015 on preserving the record for appeal. Counsel also was a member of the “roving faculty” for the Public Defender 102 training March 9-11, 2014 in Richland County. 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

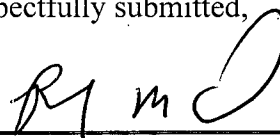
writ of certiorari and accompanying appendix in the case of Paul Leslie Cox v. State of South Carolina with the Supreme Court on January 28, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Jason A. Bauman with the Supreme Court on January 26, 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.

5. Counsel makes this request in good faith and not for purpose of delay. Counsel expects to have **all future extensions within acceptable expectations.**

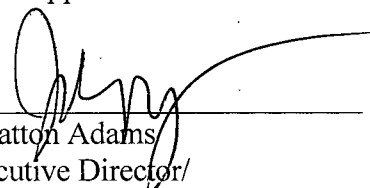
6. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final sixteen (16) day extension, until April 3, 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 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