

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Florence County
R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JUSTIN R. SIMMS,

APPELLANT

APPELLATE CASE NO. 2013-002748

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

Counsel for Justin Simms respectfully requests a **fourth and final** extension of thirty (30) days until **April 22, 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 fourth 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. The Court has granted counsel three previous extensions.
2. Counsel for Justin Simms respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

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3. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Dominique Lavar Williams with this Court on March 9, 2015. Counsel filed the brief of appellant in the case of State v. Tyrell Woods with this Court on March 6, 2015. Counsel filed petition for rehearing in the case of State v. Akeem O. Smith with this Court on March 4, 2015. Counsel filed the brief of appellant in the case of State v. Gerald R. Williams in this Court on February 27, 2015. Counsel filed the brief of appellant in the case of State v. Joseph Anthony Drachslin, Sr. in this Court on February 27, 2015. On February 26, 2015, along with co-counsel Robert M. Dudek, counsel filed a Petition for Extraordinary Relief in the Supreme Court in the capital case of Marion Alexander Lindsey v. State. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Quinton Dewayne Inman v. State of South Carolina with the Supreme Court on February 13, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robert Wilson Woods with this Court on February 12, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Edgar B. Merrifield with this Court on February 9, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jimmy Turner with this Court on February 5, 2015. Counsel had an oral argument in the case of State v. Brenda Bratschi in this Court on February 3, 2015. Counsel had an oral argument in the case of State v. Charles Ray Dean in this Court on February 3, 2015. Counsel filed the brief of appellant in the case of State v. Lanell Goodwine with this Court on January 30, 2015. Counsel filed the brief of appellant in the case of State v. Carlos Roberto Lopez with this Court on January 28, 2015. Counsel filed the brief of appellant in the case of State v. John Bryan Martin with this Court on January 23, 2015.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

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

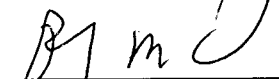
WHEREFORE, the undersigned counsel would respectfully request **a final thirty (30) day extension until April 22, 2015** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

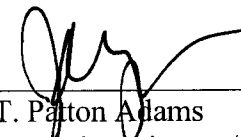


David Alexander
Appellate Defender

Attorney for Appellant



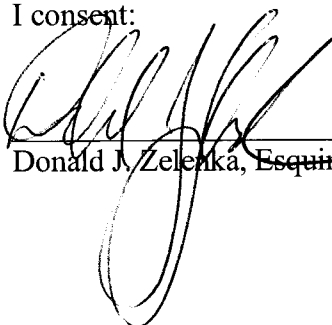
Robert M. Dudek
Chief Appellate Defender



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

This 23rd day of March, 2015.

I consent:



Donald J. Zelenka, Esquire