

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Clifton Newman, Circuit Court Judge

RECEIVED
APR 15 2015
SC Court of Appeals

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 respectfully requests an extension of thirty (30) days, **until May 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. 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 respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.

3. Counsel filed the petition for rehearing in the case of The State v. Richard Bill Niles, Jr. with the Supreme Court on Thursday, April 9, 2015. Counsel had an oral argument in the case of State v. Manual Marin before the Supreme Court on Wednesday, April 8, 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 filed the return to petition for writ of certiorari in the case of Melvin Daniel v. State of South Carolina with the Supreme Court on Thursday, April 2, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Armando K. Chestnut with the Court of Appeals on April 2, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Albert Brandeberry with the Supreme Court on March 31, 2015. Counsel filed the United States certiorari petition in the case of Richard Moore v. State of South Carolina (3 issues) with the United States Supreme Court on March 23, 2015. Counsel filed the petition for rehearing in the case of State v. William Pou with the Court of Appeals on March 19, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Walker Hughes 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

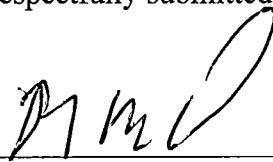
penalty case) with the Supreme Court on February 26, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Victor Weldon with the Supreme Court on February 26, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the 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 the Court of Appeals 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 the Court of Appeals on February 20, 2015. Counsel filed the brief of respondent in the case of James Clayton Helms v. State of South Carolina with the Court of Appeals 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 the Court of Appeals 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 the Court of Appeals 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 the Court of Appeals on February 4, 2015. Counsel had an oral argument in the case of The State v. Keith Letmon before the Court of Appeals 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 the Court of Appeals on January 30, 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 extension **in the near future.**

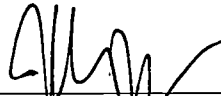
6. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until May 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,



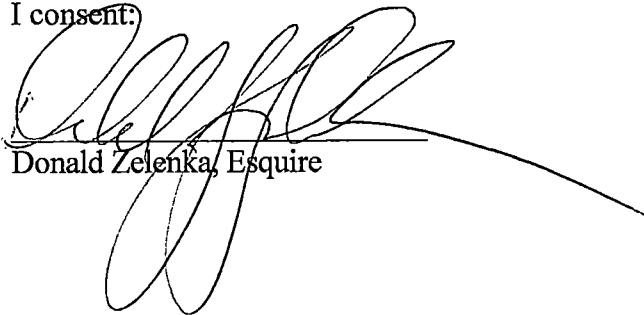
Robert M. Dudek
Chief Appellate Defender



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

This 15th day of April, 2015

I consent:



Donald Zelenka, Esquire