

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Spartanburg County

Roger L. Couch, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**  
MAY 01 2015  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

SANDY LYNN WESTMORELAND,

APPELLANT

APPELLATE CASE NO. 2014-002636  
\_\_\_\_\_

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

Counsel for Sandy Lynn Westmoreland respectfully requests an extension of thirty (30) days, **until June 1, 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 respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.

3. Counsel is currently working on the case of State v. Maurice Roberts wherein the brief is due with this Court on May 6, 2015. Counsel prepared for and was a trainer in the Indigent Defense training (Public Defender 103) held April 27-29, 2015, in Beaufort, South Carolina. Counsel had an oral argument in the case of State v. Darren Scott before the Supreme Court on Wednesday, April 22, 2015. Counsel filed the petition for rehearing in the case of 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, which includes reading their briefs and certiorari petitions in advance of filing.**

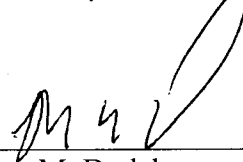
4. Counsel filed the return to petition for writ of certiorari in the case of Melvin Daniel v. State of South Carolina with the Supreme Court on Thursday, April 2, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Armando K. Chestnut with this Court on April 2, 2015. Counsel filed the petition for writ of certiorari in the direct appeal 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 Horry County and testified at the PCR hearing in the case of State v. Christopher Stephen Stanko on March 3, 2015.

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 June 1, 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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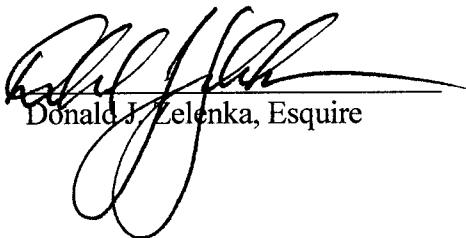
Robert M. Dudek  
Chief Appellate Defender

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

This 1<sup>st</sup> day of May, 2015.

I consent:



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Donald J. Zelenka, Esquire



**SCCID**

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

**RECEIVED**

MAY 01 2015

**SC Court of Appeals**

**ORIGINAL**

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Columbia, South Carolina 29201-3332  
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Telephone: (803) 734-1330  
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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

May 1, 2015

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