

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Laurens County

Eugene C. Griffith Jr., Circuit Court Judge

RECEIVED
MAY 01 2015
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DANIEL MARTINEZ HERRERA,

APPELLANT

APPELLATE CASE NO. 2014-001299

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

Counsel for Daniel Martinez Herrera respectfully requests a **final 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 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 Daniel Martinez Herrera 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.

3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Johnny White v. State of South Carolina in the Supreme Court on April 30, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Reginald Murray v. State of South Carolina in the Supreme Court on April 15, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Deleorn Thompson v. State of South Carolina in the Supreme Court on April 15, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Roger Rutledge v. State of South Carolina in the Supreme Court on April 3, 2015. Counsel filed the reply to the return to the petition for writ of certiorari in the case of Phillip Fleming Watts v. State of South Carolina with the Supreme Court on April 3, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Arnold L. Ward v. State of South Carolina with the Supreme Court on April 2, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. John Upson with the Court of Appeals on March 23, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. O'Neal Bernard Byrdic, Jr. with the Court of Appeals on March 23, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Billy Joe Hannah v. State of South Carolina with the Supreme Court on March 19, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Shawn Lee Wyatt with the Court of Appeals on March 4, 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.

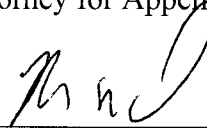
WHEREFORE, the undersigned counsel would respectfully request **a final thirty (30) day extension until June 1, 2015** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



John H. Strom
Appellate Defender

Attorney for Appellant

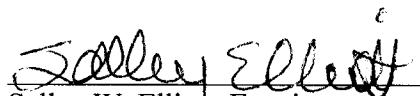


Robert M. Dudek
Chief Appellate Defender

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

This 1st day of May, 2015.

I consent:



Salley W. Elliott, Esquire



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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MAY 01 2015

SC Court of Appeals

ORIGINAL

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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, Appellate Defender, John H. Strom, 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