

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Certiorari to Sumter County
William Jeffrey Young, Circuit Court Judge

RECEIVED

JUL 01 2015

SC Court of Appeals

THE STATE,

RESPONDENT

v.

GARY R. DARGAN,

APPELLANT.

APPELLATE CASE NO. 2014-000851

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

The undersigned counsel petitions the Court to allow late filing of the petition for a **final twenty-three day extension, until Friday, July 24, 2015**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. **Counsel will file the initial brief of appellant and designation of matter in this case on or before July 24, 2015, and make it a priority. The last two weeks have involved extensive administrative duties as explained below.** If this Court is unwilling to grant an extension of twenty-three days, then Counsel respectfully requests that this extension be granted for any lesser time this Court will allow. In support of this motion, counsel would respectfully show the Court the following **very unusual and extraordinary circumstances justifying the present motion:**

1. The initial brief of appellant and designation of matter in this case is due to be served and filed today. Counsel intended to file the brief without extending the case again but unexpected events interrupted his intention of filing the brief without a further extension. Counsel will file the brief by **July 24, 2015**.

2. **Counsel is currently training three new appellate defenders and reading all of their writings. Counsel has had to interview applicants this week to replace the Administrative Coordinator and one legal assistant. Counsel also hired a new receptionist this morning to replace the Commission's receptionist who has been promoted to legal assistant. Counsel apologizes for the necessity of this extraordinary extension request.**

3. Counsel filed the brief of appellant and designation of matter in the case of State v. Terry Hall with this Court on June 26, 2015. Counsel filed a petition for rehearing in the case of State v. Curtis J. Simms in the Supreme Court with co-counsel Susan Barber Hackett and co-counsel David Alexander on June 24, 2015. Counsel filed a redacted brief of appellant and designation of matter in the death penalty case of State v. Ricky Lee Blackwell in the Supreme Court with co-counsel David Alexander on June 18, 2015. Counsel filed a brief of petitioner in the case of State v. Antonio Miller with the Supreme Court on June 18, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. William Pou with the Supreme Court on June 15, 2015. Counsel filed the Return to the Motion to Dismiss as Interlocutory in the case of State v. Bryan Rearick with this Court on June 15, 2015. Counsel filed the brief of appellant and designation of matter in the case of State v. Joshua Griffith with this Court on June 12, 2015. Counsel filed a Reply Brief in the case of Richard Bernard Moore v. State in the Supreme Court of the United States today with co-counsel Susan Hackett on June 8, 2015. Counsel filed a Return to Motion to Dismiss in the case of John William. Dixon v. State before the Supreme Court on June 8,

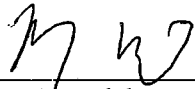
2015. Counsel argued the case of State v. Charles M. Harris before the Supreme Court on June 3, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in Michael A. Hough v. State with the Supreme Court on June 1, 2015, with co-counsel Lara Caudy. Counsel filed the brief with a novel double jeopardy issue in the case of State v. Bryan Rearick with this Court on May 29, 2015. Counsel filed motion to certify case for review by the Supreme Court in the case of State v. Bryan Rearick with the Supreme Court on May 29, 2015. Counsel filed the brief of appellant and designation of matter in the case of State v. Maurice Roberts with this Court on May 22, 2015. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, as stated above, training three new appellate defenders and reading all of their writings; and interviewing applicants for three support staff positions.**

4. Given the extreme work responsibilities of undersigned counsel as Chief Appellate Defender, including his own heavy caseload, his having to read the briefs and certiorari petitions of three new Appellate Defenders in advance of their filing, and his Appellate Project oversight responsibilities, **counsel would request a final extension until July 24, 2015.** Counsel will make every effort to file the brief and designation before that deadline if at all possible. Counsel submits this is a very unusual situation and apologizes for the need to file this request to file the brief out-of time.

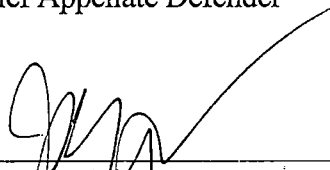
5. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final twenty-three day extension, until July 24, 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 the deadline if at all possible.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



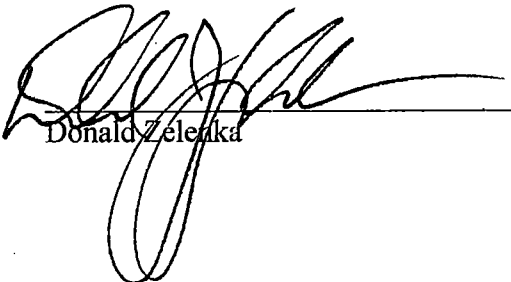
Robert M. Dudek
Chief Appellate Defender



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

July 1, 2015

I DO NOT OPPOSE:



Donald Zelenka