

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Darlington County
J. Michael Baxley, Circuit Court Judge

STATE OF SOUTH CAROLINA,

RECEIVED
RESPONDENT, AUG 27, 2012
SC Court of Appeals

v.

KRISTOPHER WILMONT BERRY,

APPELLANT.

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

Counsel for Kristopher Wilmont Berry respectfully requests an extension of a **final thirty (30) days until September 26, 2012** 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 is due to be served and filed with the Court on today. **Counsel had requested a prior extension that he intended to be the last; however, counsel is unable to comply with that request due to:** the current caseload; additional work on the hearing for a new trial in State v. Richard Gagnon; counsel's attendance at the Supreme Court Advocacy Institute training program in New York, New York, on June 7-10, 2012; and counsel's wedding and honeymoon on June 23-29, 2012.
2. Counsel for Mr. Cheek 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.

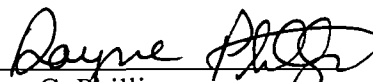
3. On August 24, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Michael Humprey in this Court. On August 20, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Fernando Young v. State in the Supreme Court. On August 17, 2012, counsel filed the initial brief of Appellant in State v. Richard Pilgrim and State v. Billy Miller in this Court. On August 13, 2012 counsel filed the petition for writ of certiorari and appendix in Virgil Culbreath v. State in Supreme Court. On August 2, 2012 counsel filed the return to petition for writ of certiorari to this Court in State v. Adrian Eaglin. On August 1, 2012 counsel filed the petition for writ of certiorari and appendix to the Court of Appeals in State v. Anthony Williamson. On July 30, 2012 counsel filed the petition for writ of certiorari and appendix in Jabbar Straws v. State in the Supreme Court. On July 26, 2012, counsel filed the initial brief of Appellant in State v. Donald Altman in this Court. On July 23, 2012, counsel filed the petition for writ of certiorari and appendix in Alonzo Jenkins v. State in the Supreme Court. On July 20, 2012 counsel filed the initial brief of appellant in State v. Richard Beekman in this Court. On July 18, 2012, counsel filed the initial brief of appellant in State v. Billy Lisenby in this Court. On July 13, 2012, counsel filed the initial brief of appellant and designation of matter in Antwan Grayson v. State in this Court. On July 6, 2012 counsel filed the petitions for writ of certiorari and appendices in Thomas Evans v. State and Chadwick Cole v. State in the Supreme Court. On July 9, 2012 counsel filed the petition for writ of certiorari and appendix in Jameek J. Williams v. State in the Supreme Court. Counsel filed the initial brief of appellant and designation of matter in Antwan Grayson v. State in this Court. On July 6, 2012 counsel filed the petitions for writ of certiorari and appendices in Thomas Evans v. State and Chadwick Cole v. State in the Supreme Court. On July 9, 2012 counsel filed the petition for writ of certiorari and appendix in Jameek J. Williams v. State in the Supreme Court.

4. Counsel makes this request in good faith and not for purpose of delay.


5. As indicated by signature below, Salley W. Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty day until September 26, 2012** extension, 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 petition be held in abeyance pending a ruling on this motion.

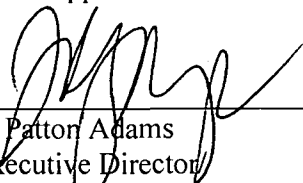
Respectfully submitted,



Dayne C. Phillips
Appellate Defender



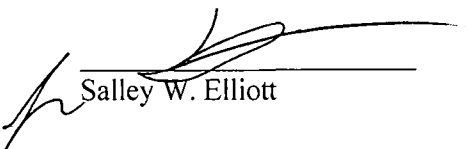
Robert M. Dudek
Chief Appellate Defender



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

August 27, 2012

I do not oppose:



Salley W. Elliott