

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

ORIGINAL

Appeal from Chester County

R. Knox McMahon, Circuit Court Judge

RECEIVED

AUG 12 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN HENRY LOWERY II,

APPELLANT.

APPELLATE CASE NO. 2014-002653

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

Counsel for Mr. Lowery respectfully requests a **fourth and final** extension of thirty (30) days 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 Mr. Lowery 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 Anthony Sapp v. State of South Carolina in the Supreme Court on August 7, 2015. Counsel filed the initial brief of appellant in the case of The State v. Joseph Williams Dinkins with the Court of Appeals on August 5, 2015. Counsel filed the initial reply brief of appellant in the case of The State v. John Upson with the Court of Appeals on July 30, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Richard A. Green v. State of South Carolina in the Supreme Court on July 27, 2015. Counsel filed the Motion to Hold Appeal in Abeyance and to Remand for a New Evidentiary Hearing Based on After-Discovered Evidence and accompanying appendix in the case of Tunzy Sanders v. State of South Carolina in the Supreme Court on July 24, 2015. Counsel filed the initial reply brief of appellant in the case of The State v. Alexander Carmichael Huckabee III with the Court of Appeals on July 9, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Michael T. Cannon v. State of South Carolina in the Supreme Court on July 8, 2015. Counsel filed the initial brief of appellant in the case of The State v. Jamel Watt with the Court of Appeals on July 8, 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.

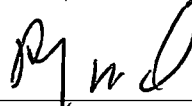
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

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 12th day of August, 2015.

I consent:



Salley W. Elliott, Esquire



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

 ORIGINAL

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 12, 2015

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SC Court of Appeals

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