

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from York County
J. Mark Hayes, II, Circuit Court Judge

RECEIVED

THE STATE,

SEP 24 2015

SC Court of Appeals
RESPONDENT,

V.

JUSTIN FAILE,

APPELLANT

Appellate Case No. 2015-000305

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed the petition for rehearing in the case of State v. Martin Floyd on July 29, 2015 with this Court. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Stephon Robinson in this Court on July 27, 2015. Counsel filed the reply to the return to petition for writ of certiorari in the case of Dider Sellner v. State with the Supreme Court on July 27, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Calvin Miller with this Court on July 27, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of


State v. Justin Johnson with this Court on July 22, 2015. Counsel filed the petition for rehearing in the case of State v. Christopher Miller with the Supreme Court on July 8, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Warren Smith v. State with the Supreme Court on July 2, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Michael Butler with this Court on June 30, 2015.

3. This request is made in good faith, and not for purposes of delay.

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

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

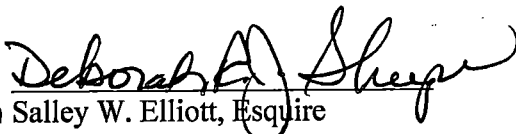
Respectfully submitted,


Laura R. Baer
Appellate Defender

Robert M. Dudek
Chief Appellate Defender

September 24, 2015

I DO NOT OPPOSE:


for Salley W. Elliott, Esquire