

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenville County

Edward W. Miller, Circuit Court Judge  
\_\_\_\_\_

ORIGINAL  
**RECEIVED**

SEP 30 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ESAIVEUS BOOKER,

APPELLANT

APPELLATE CASE NO. 2013-000207

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

Counsel for Esaiveus Booker respectfully requests an extension of **final thirty (30) days, until October 30, 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 fifth 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 four previous extensions. Counsel understands a fifth extension is disfavored. However, counsel has been out of the office on maternity leave since July 30, 2015, and she will return to the office on October 8, 2015.*

2. Counsel for Esaiveus Booker 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 her caseload, counsel hopes that no further extension requests will be required.

3. 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 Didier 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.

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.

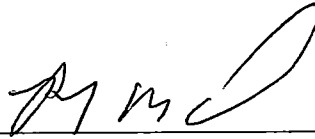
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until October 30, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

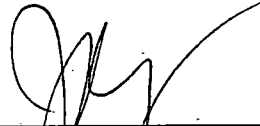


Laura R. Baer  
Appellate Defender

Attorney for Appellant



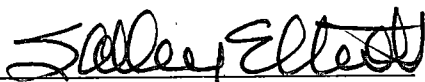
Robert M. Dudek  
Chief Appellate Defender



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

This 30<sup>th</sup> day of September, 2015.

I consent:



Salley W. Elliott, Esquire