

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Certiorari to Sumter County

William Jeffrey Young, Circuit Court Judge

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APR 10 11 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

Counsel for appellant respectfully requests a **final thirty (30) day extension, until May 1, 2015**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will attempt to file the brief before the requested deadline if at all possible.** 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 are due to be filed with the Court today.
2. Counsel respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel's heavy caseload should be getting back to normal, and he should not have to make any more such extraordinary - beyond normal**

**extension requests again – after working to get his caseload back to normal after the unexpected death penalty deadline in State v. Blackwell.**

3. Counsel is also working on and will be filing the return to petition for writ of certiorari in the case of Melvin Daniel v. State of South Carolina with the Supreme Court tomorrow, April 2, 2015. Counsel is also working on and will be filing the initial brief of appellant and designation of matter in the case of State v. Joshua Griffith with this Court on Friday, April 3, 2015. Counsel is also working on and will be filing the initial brief of appellant and designation of matter in the case of State v. Armando K. Chestnut with this Court on Friday, April 3, 2015. Counsel is also working on and will be filing the reply to return to petition for writ of certiorari in the case of Sammie Louis Stokes v. State of South Carolina (death penalty) with the Supreme Court on Friday, April 3, 2015. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight. Counsel also has been training three new appellate defenders to include reading their briefs and certiorari petitions prior to their filing.**

4. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Albert Brandeberry with the Supreme Court on March 31, 2015. Counsel filed the United States certiorari petition in the case of Richard Moore v. State of South Carolina (3 issues) with the United States Supreme Court on March 23, 2015. Counsel filed the petition for rehearing in the case of State v. William Pou with this Court on March 19, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Walker Hughes this Court on March 13, 2015. Counsel presented a power-point presentation at the SCACDL Criminal Defense Seminar on March 6, 2015. Counsel **unexpectedly** had to file (with co-counsel, David Alexander) a reply to the return to petition for extraordinary relief in the case of Marion Alexander Lindsey v. State of South Carolina (death penalty case) with the Supreme

Court on March 3, 2015. Counsel traveled to and testified at a hearing in the case of State v. Christopher Stephen Stanko on March 3, 2015. Counsel **unexpectedly had to file** (with co-counsel, David Alexander) a **petition for extraordinary relief** in the case of Marion Alexander Lindsey v. State of South Carolina (death penalty case) with the Supreme Court on February 26, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Victor Weldon with the Supreme Court on February 26, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Antonio Miller with the Supreme Court on February 25, 2015. Counsel filed the petition for rehearing in the case of Michael A. Hough v. The State of South Carolina with this Court on February 25, 2015. Counsel filed the merits initial brief of appellant and designation of matter in the case of The State v. Ricky Eugene Passmore with this Court on February 20, 2015. Counsel filed the brief of respondent in the case of James Clayton Helms v. State of South Carolina with this Court on February 13, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ronald Lee Legg with this Court on February 10, 2015. Counsel filed the return to motion to seal or strike in the case of State of South Carolina v. Ricky Lee Blackwell with the Supreme Court on February 9, 2015. Counsel filed the initial brief of appellant (3 issues) and designation of matter in the case of State v. Christina Reece with this Court on February 6, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. James Scott Cross with this Court on February 4, 2015. Counsel had an oral argument in the case of The State v. Keith Letmon before this Court on February 3, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Shedrix Steward with this Court on January 30, 2015.

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

6. Counsel for the Attorney General's office consents to this request shown by signature below.

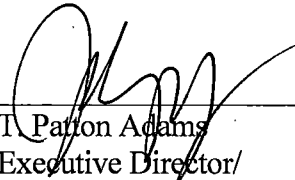
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until May 1, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

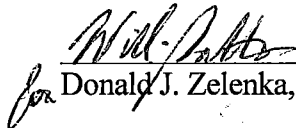


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T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

This 1st day of April, 2015.

I do not oppose:



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for Donald J. Zelenka, Esquire