

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Steven H. John, Circuit Court Judge

THE STATE,

v.

THOMAS JAMES,

ORIGINAL
RECEIVED
OCT 12 2015
SC Court of Appeals
RESPONDENT

APPELLANT

APPELLATE CASE NO. 2014-002326

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 day extension, until November 11, 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. 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 regrets having to request this extension and will make every effort to file the brief prior to the thirty day deadline. Counsel regrets having to make this final extension request, but it is absolutely necessary.*
3. Counsel filed the brief of appellant and record on appeal in the case of State v. Tre'Vaughn Jackson with this Court on September 18, 2015. Counsel filed the petition for writ of

certiorari and accompanying appendix in the case of Vernon Michael Wilcox v. State with the Supreme Court on September 8, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Sandy Lynn Westmoreland with this Court on August 31, 2015. Counsel presented on warrantless searches at the 2015 Magistrate Advisory Council Intensive Training Seminar on August 18, 2015. Counsel filed the brief of appellant and designation of matter in the case of State v. Calvert Myers with this Court on August 14, 2015. Counsel filed the reply brief in the case of State v. Christina Reece with this Court on August 13, 2015. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of State v. Raheem D. King with the Supreme Court on August 6, 2015. Counsel filed the brief of respondent and designation of matter in the case of State v. Whitlee Jones with the Supreme Court on July 29, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Raheem D. King with the Supreme Court, on July 27, 2015. Counsel filed the brief of appellant and record on appeal in the case of State v. Gary R. Dargan with this Court on July 24, 2015. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training three new appellate defenders and reading all of their writings.**

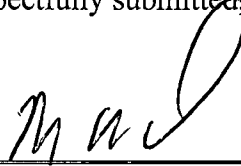
4. Counsel makes this request in good faith and not for purpose of delay. Counsel is working first on cases that have been extended three times in an effort to make his caseload more manageable and reduce the number of extensions in the future.

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

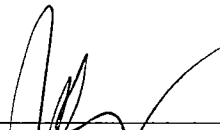
WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension until November 11, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will endeavor to file the brief before the deadline if at all possible. If this Court is unwilling to grant a thirty day**

extension under these circumstances, counsel would request such lesser time as this Court is willing to grant. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



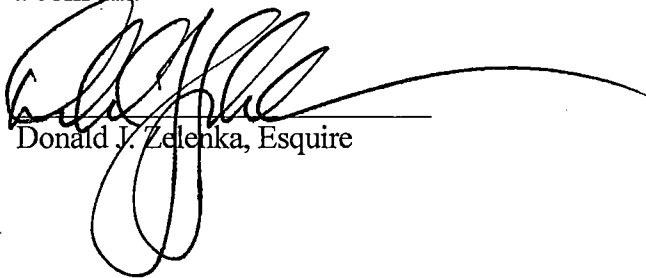
Robert M. Dudek
Chief Appellate Defender



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

This 12th day of October, 2015.

I consent:



Donald J. Zelenka, Esquire