

STATE OF SOUTH CAROLINA

In The Court of Appeals

 ORIGINAL

APPEAL FROM OCONEE COUNTY

R. Lawton McIntosh, Circuit Court Judge

RECEIVED

OCT 19 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RUSSELL ALAN TUPPER,

APPELLANT

APPELLATE CASE NO. 2015-000717

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

Counsel for appellant respectfully requests an extension of thirty (30) days, **until November 18, 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 third 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 two previous extensions.
2. Counsel for appellant 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 Walter Alley v. State of South Carolina in the Supreme Court on October 13, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jarrod Keykendall Harris v. State of South Carolina in the Supreme Court on October 13, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Donald Roberts v. State of South Carolina in the Court of Appeals on October 12, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jo Pradubsri with the Court of Appeals on October 12, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Joseph Paugh v. State of South Carolina in the Supreme Court on October 7, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. John Henry Lowery with the Court of Appeals on September 11, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Allen Moore v. State of South Carolina in the Supreme Court on September 9, 2015.

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

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

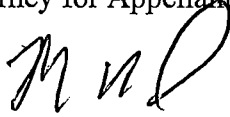
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until November 18, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



John H. Strom  
Appellate Defender

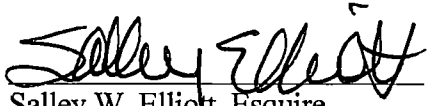
Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender

This 19<sup>th</sup> day of October, 2015.

I consent:



Salley W. Elliott, Esquire