

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County
Perry Buckner, Circuit Court Judge

ORIGINAL
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OCT 19 2015
SC Court of Appeals
RESPONDENT,

THE STATE,

V.

JAMES GARDNER,

APPELLANT

APPELLATE CASE NO. 2015-000286

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

Counsel for James Gardner respectfully requests an extension of **final 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 fourth 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 three previous extensions.
2. Counsel for James Gardner 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 presented an oral argument in the Court of Appeals in the case of Sammy Lee Scarborough v. State on October 14, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tyrone Wade v. State with the Supreme Court on October 12, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jason Sanford v. State with the Supreme Court on September 30, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Joshua Ray Greer v. State with the Supreme Court on September 25, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Brian Gaines v. State with the Supreme Court on September 14, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Lester Mosley with the Court of Appeals on September 11, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Julius Manigault with the Court of Appeals on September 10, 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.

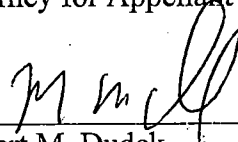
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until November 18, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

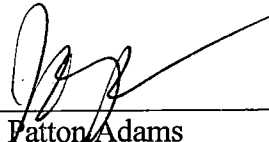


Kathrine H. Hudgins
Appellate Defender

Attorney for Appellant



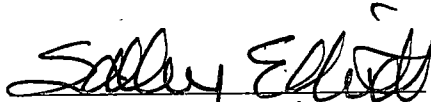
Robert M. Dudek
Chief Appellate Defender



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

This 19th day of October, 2015.

I consent:


Salley W. Elliott, Esquire