

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Charleston County

Stephanie P. McDonald, Circuit Court Judge

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**ORIGINAL**

**RECEIVED**

OCT 29 2015

SC Court of Appeals

THE STATE,

APPELLANT

V.

MARVIN BROWN,

RESPONDENT

APPELLATE CASE NO. 2014-002129

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

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Counsel for Marvin Brown respectfully requests a **final fourteen (14) day extension, until November 12, 2015**, in which to file the Initial Brief of Respondent and Designation of Matter in this case. This is a fifth request for an extension, and counsel recognizes that fifth extensions are looked upon with disfavor. In support of this request, counsel shows:

1. The initial brief of respondent and designation of matter are due to be filed with the Court today. The Court has granted counsel four (4) previous extensions.
2. Counsel for Marvin Brown 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 has read the transcripts and pleadings in this case. However, Counsel must review the exhibits. One of the most important exhibits (Court's Exhibit #1) is the deceased's medical records. Initially, counsel believed the medical records were fifty (50) pages in light of the state's designation of matter and the records provided to counsel as a result of that designation. However, upon further review, counsel discovered the medical records are five hundred (500) pages. When counsel sought to obtain the full exhibit from the Clerk of Court, counsel learned the presiding judge released the exhibit to the assistant solicitor. Therefore, counsel had to contact the solicitor in order to obtain the complete exhibit. Further, the digital exhibit was password protected requiring further communications. Additionally, counsel prepared an Anders brief of Appellant and Record on Appeal in State v. Alexander Wilson during this time. Mr. Wilson was convicted of murder and used an insanity defense. Ultimately, Mr. Wilson was found guilty but mentally ill. Due to the serious nature of the charge and the complex legal issues involved, preparation of his brief and record required a considerable amount of time.

4. Counsel filed the Anders brief of Appellant and Record on Appeal in State v. Alexander Wilson on October 28, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Antonio Trimmier v. State in the Supreme Court on October 27, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Nathaniel Bernard Beeks in the Supreme Court on October 23, 2015. Counsel filed the petition for rehearing in the case of Edward Whitner v. State in the in the Court of Appeals on October 22, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Abdul Furquan in the Court of Appeals on October 16, 2015. Counsel argued in the case of Jomer Hill v. State in the Court of Appeals on October 13, 2015. Counsel filed the Anders Brief of Appellant and Designation of matter along with the Record on Appeal in the case of State v. LaQuincy

Williams in the Court of Appeals on October 13, 2015. Counsel argued in the case of State v. David Johnson in the Supreme Court on October 8, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Derrick Dupree in the Court of Appeals on October 7, 2015.

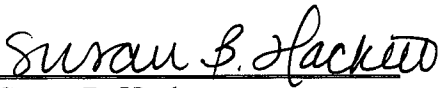
Counsel filed the initial brief of appellant and designation of matter in the case of State v. Reginald Gordon in the Court of Appeals on September 29, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of Ahmad Wilkins v. State in the Supreme Court on September 25, 2015. Counsel attended the Annual Public Defender Conference from September 21, 2015 through September 23, 2015 in Myrtle Beach, South Carolina. Counsel argued in the case of State v. Harold Bennon Cartwright in the Court of Appeals on September 17, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robert T. Kronsberg in the Court of Appeals on September 8, 2015. Counsel filed a petition for writ of certiorari in the case of Stephen Corey Bryant v. State in the Supreme Court of the United States on September 3, 2015. Counsel filed the petition for rehearing in the case of State v. Leonard Eugene Jenkins in the Court of Appeals on September 3, 2015.

5. Counsel makes this request in good faith and not for purpose of delay. If possible, Counsel will file the initial brief of respondent and designation of matter prior to November 12, 2015. 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.

6. Counsel for the Attorney General's office consents to or does not object to this request shown by signature below.

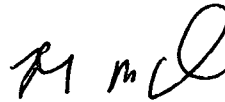
WHEREFORE, the undersigned counsel would respectfully request a **final fourteen (14) day extension until November 12, 2015**, in which to file the initial brief of respondent and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

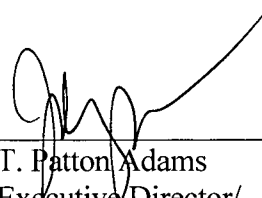


Susan B. Hackett  
Appellate Defender

Attorney for Respondent



Robert M. Dudek  
Chief Appellate Defender



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

This 29th day of October, 2015.

I consent:



Donald J. Zelenka