

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County
Michael G. Nettles, Circuit Court Judge

ORIGINAL

STATE,

RESPONDENT,

RECEIVED

NOV 02 2015

SC Court of Appeals

v.

BARRY EUGENE LAFAVOR,

APPELLANT

APPELLATE CASE NO. 2013-000568

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

Counsel for Barry Eugene Lafavor respectfully requests a **fourth and final** extension of thirty (30) days **until December 2, 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 Barry Eugene Lafavor 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. This is the first request for an extension since this case was taken out of abeyance. The case was held in abeyance and ultimately remanded to reconstruct Court's Exhibit No. 2 (DSS Records). After Court's Exhibit No. 2 was located by the Aiken County Clerk of Court, this Court, by order dated October 1, 2015, found the parties are entitled to have access to the exhibit, which was held under seal, while we prepare for the appeal. Counsel received a copy of this exhibit from the Aiken County Clerk of Court on Friday, October 30, 2015.

3. On October 26, 2015, counsel filed a petition for writ of certiorari to the Court of Appeals in State v. Stepheno Jermaine Alston with the Supreme Court. On October 22, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in Montez Barker v. State with the Supreme Court. On October 14, 2015, counsel filed the brief of appellant and designation of matter in State v. Ricky L. Hayes with this Court. On October 13, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in Keith Desue v. State with the Supreme Court. On October 12, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in Harold Watts v. State with the Supreme Court. On October 2, 2015, counsel filed a petition for writ of certiorari and accompanying appendix in Levon D. Black v. State with the Supreme Court. On October 1, 2015, counsel filed the brief of appellant and designation of matter in State v. Carnail Marchindla Graham with this Court. On September 21-23, 2015, counsel attended the Public Defender Conference in Myrtle Beach. On September 18, 2015, counsel filed a petition for rehearing in State v. Tiphani Marie Parkhurst with this Court. On September 15, 2015, counsel held an oral argument in State v. Don Survi Chisolm before this Court. On September 8, 2015, counsel held an oral argument in State v. Frankie Lee Bryant before this Court. On August 25, 2015, counsel filed the brief of appellant and record on appeal in State v. David Dover with this Court.

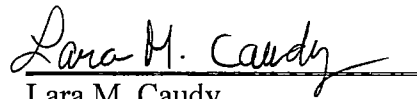
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

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.

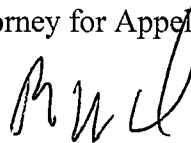
WHEREFORE, the undersigned counsel would respectfully request **a fourth and final thirty (30) day extension until December 2, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

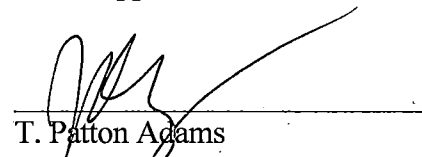


Lara M. Caudy
Appellate Defender

Attorney for Appellant

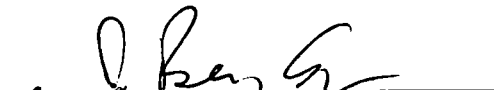


Robert M. Dudek
Chief Appellate Defender


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

This 2nd day of November, 2015.

I consent:


for Sally W. Elliott, Esquire