

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
J. Mark Hayes, II, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT

v.

JUSTIN FAILE,

APPELLANT

RECEIVED
OCT 21 2015
SC Court of Appeals

Appellate Case No. 2015-000305

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

Counsel for Justin Faile respectfully requests an extension of **final thirty (30) days, until November 20, 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 Justin Faile 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.

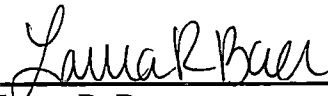
3. Counsel was on maternity leave from July 30, 2015 through October 8, 2015. Counsel filed the petition for writ of certiorari in the case of Brian Stephens v. State with the Supreme Court on October 19, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of Martin Floyd 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 State v. Alonda Deasaussure with the Supreme Court on August 12, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Javarias Teague in the Court of Appeals on August 12, 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.

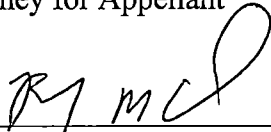
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until November 20, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

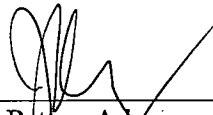


Laura R. Baer
Appellate Defender

Attorney for Appellant



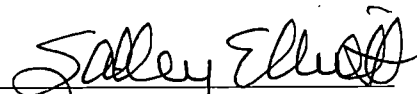
Robert M. Dudek
Chief Appellate Defender



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

This 21st day of October, 2015.

I consent:



Salley W. Elliott, Esquire