

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Steven H. John, Circuit Court Judge

ORIGINAL

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THE STATE,

RESPONDENT, NOV 12 2015

SC Court of Appeals

V.

THOMAS JAMES,

APPELLANT

APPELLATE CASE NO. 2014-002326

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

Counsel for appellant respectfully requests a **final thirty day extension, until December 14, 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. 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 transcripts are over 2,200 pages long.**
2. Counsel respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. *Counsel regrets having to request this extension and will make every effort to file the brief prior to the thirty day deadline. Counsel regrets having to make this final extension request, but it is absolutely necessary given the length of the transcript, counsel's case workload, and his administrative duties.*

3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jalann Williams with this Court on November 10, 2015. Counsel filed a return to petition for writ of certiorari in the case of Marshall H. Collins v. State with the Supreme Court on October 30, 2015. Counsel is working on the brief in State v. Rearick due in the Supreme Court on Friday, November 20, 2015. Counsel filed an initial brief of appellant and designation of matter in State v. Jason Kinloch with this Court on October 16, 2015. Counsel participated in an oral argument before this Court in the case of State v. Nathaniel Witherspoon on October 14, 2015. Counsel participated in an oral argument before this Court in the case of James Clayton Helms v. State on October 13, 2015. Counsel filed the brief of appellant and record on appeal in the case of State v. Tre'Vaughn Jackson with this Court on September 18, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Vernon Michael Wilcox v. State with the Supreme Court on September 8, 2015. Counsel is working on his error preservation presentation for a Public Defender Training on November 24, 2015. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training three new appellate defenders and reading all of their writings.**

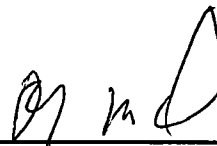
4. Counsel makes this request in good faith and not for purpose of delay. Counsel is working first on cases that have been extended three times in an effort to make his caseload more manageable and reduce the number of extensions in the future.

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

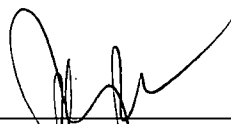
WHEREFORE, the undersigned counsel would respectfully request a **final thirty day extension until December 14, 2015**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will endeavor to file the brief before the deadline if at all possible. If this Court is unwilling to grant a thirty day extension under these circumstances, counsel would request such lesser time as this Court is**

willing to grant. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



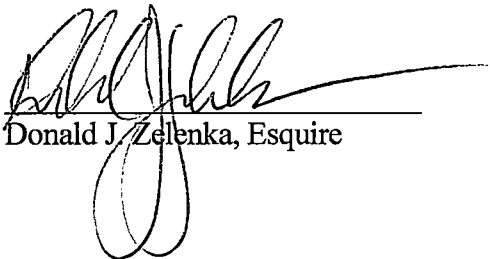
Robert M. Dudek
Chief Appellate Defender



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

This 12th day of November, 2015.

I consent:



Donald J. Zelenka, Esquire