

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Lexington County

 RECEIVED

Thomas A. Russo, Circuit Court Judge

NOV 09 2015

THE STATE,

RESPONDENT  SC Court of Appeals

V.

JOHNNY NEAL SEXTON,

APPELLANT

APPELLATE CASE NO. 2015-001055

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

Counsel for Johnny Neal Sexton respectfully requests an extension of thirty (30) days 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 third 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 two previous extensions.
2. Counsel for Johnny Neal Sexton 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.

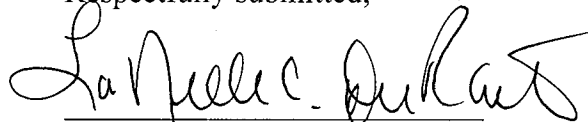
3. Counsel filed the petition for writ of certiorari pursuant to Austin v. State and accompanying appendix in the case of Derrick J. George v. State of South Carolina with the Supreme Court on November 5, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Eric Spears with the Court of Appeals on October 29, 2015. Counsel filed the petition for rehearing in the case of The State v. Alfonzo Alexander with the Court of Appeals on October 27, 2015. Counsel filed a petition for writ of certiorari in the case of Christopher Whitehead v. State of South Carolina with the United States Supreme Court on October 22, 2015. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Reginald Spellman v. The State with the Supreme Court on October 15, 2015. Counsel filed Anders brief of appellant and designation of matter in the case of State v. Craig Pinckney in the Court of Appeals on October 7, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Michael Edward Williams with the Court of Appeals on September 30, 2015. Counsel filed return to motion to seal initial brief of respondent in the case of The State v. Arthur Moseley in the Court of Appeals on September 28, 2015. Counsel filed the brief of respondent on rehearing in the case of The State v. Christopher Broadnax in the Supreme Court on September 17, 2015. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Nathaniel Dickson v. The State with the Supreme Court on September 16, 2015. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. David Rosier in the Supreme Court on September 10, 2015.

4. Counsel makes this request in good faith and not for purpose of delay.

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

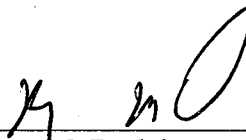
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



LaNelle C. Durant
Appellate Defender

Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender

This 9th day of November, 2015.

I consent:


Salley W. Elliott, Esquire