

STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS

Appeal From Lexington County
Honorable Thomas A. Russo, Circuit Court Judge

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JAN 04 2016

SC Court of Appeals
APPELLANT,

RAPHAEL LAMARR PONTOO,

vs.

THE STATE,

RESPONDENT.

**PETITION FOR EXTENSION OF TIME TO SERVE AND FILE THE INITIAL
BRIEF OF APPELLANT AND DESIGNATION OF MATTER**

Appellant, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Appellant and Designation of Matter are due to be filed and served January 11, 2016. There have been no previous requests for extension.

II.

In October 2015, the undersigned was selected to participate in the 2015 Appellate Practice Project. On December 1, 2015, the undersigned accepted employment with the Savage Law Firm. Due to pre-existing commitments of the firm, including the capital case State v. Michael Slager, the planned work schedule that

would accommodate timely filing of the Initial Brief and Designation of Matter, was disrupted. Additionally, the undersigned was unable to confer with trial counsel for Mr. Pontoo, Mr. David Mauldin, until December 29, 2015. Regretfully, I am unable to complete this Brief on time. I would therefore request an extension of time within which to serve and file the Initial Brief of Appellant and Designation of Matter.

III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Appellant and Designation of Matter in this case for thirty (30) days; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,



DONALD L. MCCUNE JR.
Associate Attorney, Savage Law Firm
Bar # 76626

ATTORNEY FOR APPELLANT

December 31, 2015

STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS

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Honorable Thomas A. Russo, Circuit Court Judge

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RAPHAEL LAMARR PONTOO,

JAN 04 2016

APPELLANT, **SC Court of Appeals**

vs.

THE STATE,


RESPONDENT.

PROOF OF SERVICE

I, Donald L. McCune, Jr., certify that I have served the Petition for Extension of Time to Serve and File the Initial Brief of Appellant and Designation of Matter on respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to the State's attorney of record:

Salley W. Elliott, Esquire
Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.


DONALD L. MCCUNE JR.
Associate Attorney, Savage Law Firm
Bar # 76626

ATTORNEY FOR APPELLANT

This 31st day of December, 2015