

STATE OF SOUTH CAROLINA

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In The Court of Appeals

JAN 08 2016

APPEAL FROM BERKELEY COUNTY SC Court of Appeals

Kristi Lea Harrington, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GARY CURTIS FRALEY,

APPELLANT

APPELLATE CASE NO. 2015-0017137

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

Counsel for appellant respectfully requests an extension of thirty (30) days, **until February 8, 2016**, 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 appellant 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 his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Curtis Nealey v. The State of South Carolina in the Supreme Court on December 29, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tunzy Sanders v. State of South Carolina in the Supreme Court on December 21, 2015. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Russell Alan Tupper with the Court of Appeals on December 18, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Fredrick Martineze Pearson v. State of South Carolina in the Supreme Court on December 18, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Terrance D. Patterson v. State of South Carolina in the Supreme Court on December 14, 2015. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Rodney Ivey v. State of South Carolina in the Supreme Court on December 9, 2015. Counsel had an oral argument in the case of The State v. James Clyde Dill, Jr. in the Court of Appeals on December 7, 2015. Counsel filed the Explanation of Appeal Pursuant to Rule 203(d)(1)(B), SCACR in the case of The State v. Favian Hayes with the Court of Appeals on December 2, 2015.

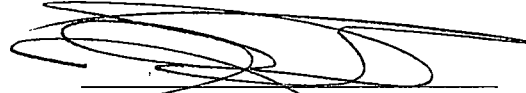
4. Counsel makes this request in good faith and not for purpose of delay.

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, **until February 8, 2016**, in which to file the initial brief of appellant and designation

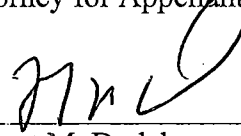
of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



John H. Strom  
Appellate Defender


Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender

This 8<sup>th</sup> day of January, 2016.

I consent:

  
Benjamin Aplin, Esquire