

4MAIB due 2/8/16

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BERKELEY COUNTY

Kristi Lea Harrington, Circuit Court Judge

RECEIVED

FEB 08 2016

SC Court of Appeals

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 a **fourth and final** extension of thirty (30) days **until March 9, 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 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 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 rehearing in the case of The State v. James Clyde Dill with the Court of Appeals on January 28, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Gregg C. Hiers v. The State of South Carolina in the Supreme Court on January 13, 2016. 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.

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.

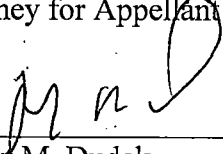
WHEREFORE, the undersigned counsel would respectfully request **a final thirty (30) day extension until March 9, 2016** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

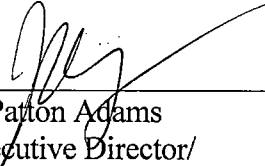


John H. Strom  
Appellate Defender

Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender



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

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

I consent:



Benjamin Aplin, Esquire