

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Charleston County  
Roger M. Young, Circuit Court Judge

THE STATE,

RECEIVED

MAR 14 2016  
RESPONDENT,  
SC Court of Appeals

V.

ELIAS JAMES WALKER,

APPELLANT

APPELLATE CASE NO. 2014-001462

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

Counsel for Elias James Walker respectfully requests a **final fifteen (15) day extension, until March 29, 2016**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the brief and designation before that deadline if at all possible.** 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. In addition to his caseload, **counsel has extensive administrative duties as the Chief Appellate Defender, including training three new appellate defenders and reading all of their writings, administrative and Appellate Project oversight, and beginning to interview applicants for the Appellate Defender position currently held by Benjamin Tripp.**

2. Counsel for Elias James Walker 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. Today, March 14, 2016, counsel will file the petition for writ of certiorari to the Court of Appeals in the case of State v. Nathaniel Witherspoon with this Court. On March 10, 2016, counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Andrew Antonio Clemons with this Court. On February 25, 2016 counsel filed a petition for rehearing in the case of State v. Ryan P. Deleston with the Court of Appeals. On February 18, 2016, counsel filed the return to petition for writ of certiorari in the case of Edward Rorecuse Young v. State with this Court. On February 18, 2016, counsel was co-counsel on the death penalty initial brief of appellant in the case of State v. Luzenski Allen Cottrell that was filed with this Court. On February 12, 2016, counsel filed the return to petition for writ of certiorari in the case of David Carmichael v. State with this Court. On February 8, 2016, counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Don-Survi Chisolm with this Court. On January 29, 2016, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Samuel Thompson v. State with this Court. On January 15, 2016, counsel filed the initial brief of appellant and designation of matter in the case of State v. Thomas James with the Court of Appeals. On January 13, 2016, counsel had an oral argument in the case of State v. Whitlee Jones before this Court. On January 12, 2016, counsel had an oral argument in the case of State v. Antonio Miller with this Court. On January 7, 2016, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kenyatta Bryant v. State with this Court. On January 6, 2016, counsel had an oral argument in the case of State v. David Judson Penn before the Court of Appeals. On December 31, 2015 counsel filed an initial reply brief in the death penalty case of State v. Ricky Lee Blackwell with this Court. On December 29, 2015, counsel also filed another petition for rehearing in the case of State v. Andrew Antonio Clemons with the Court of Appeals. On December 29, 2015 counsel filed a petition for rehearing in the case of State v. Nathaniel Witherspoon with the Court of Appeals.

4. **This request is made in good faith, out of absolute necessity, and not for purposes of delay.**

5. As indicated by his consent below, counsel for the state does not oppose this request.

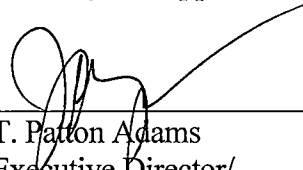
WHEREFORE, the undersigned counsel would respectfully request a **final fifteen (15) day extension until March 29, 2016**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the brief before that deadline if at all possible given previous extensions.** Counsel requests that the deadlines be held in abeyance pending a ruling on this petition.

Respectfully submitted,



Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant



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

This 14th day of March, 2016.

I consent:

  
\_\_\_\_\_  
J. Benjamin Aplin, Esquire