

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

4H  
12.16.11  
1.16  
ORIGINAL  
RECEIVED  
DEC 16 2011  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

BOBBY J. BARTON,

APPELLANT

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

Counsel for Bobby J. Barton respectfully requests an additional extension of thirty 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 fourth request for an extension of time in this case. In support of this request, counsel shows:

In support of this request, counsel shows:

- (1) The initial brief of appellant and designation of matter are due to be served and filed today, December 16, 2011. This Court has granted three previous extensions in this case.
- (2) Counsel for Mr. Barton 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.

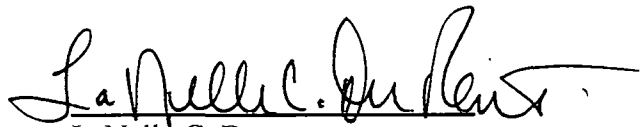
(3) On December 7, 2011, counsel filed the petition for writ of certiorari and appendix in the case of James Abercrombie v. State and had an oral argument in the case of In the Matter of the Care and Treatment of Orlando Williams in this Court. On December 6, 2011, counsel had an oral argument in the case of State v. James Nash in this Court. On November 30, 2011, counsel filed a motion for reconstruction of the record in the case of Willie Richardson v. State. On November 28, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Timothy Lemacks. On November 23, 2011, counsel filed the petition for writ of certiorari to the Court of Appeals and appendix in the case of State v. Lloyd Wright. On November 21, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Andrew Harrelson. On November 18, 2011, counsel filed the petition for writ of certiorari, the brief of appellant pursuant to White v. State and appendix in the case of Bryant James v. State. On November 16, 2011, counsel had an oral argument in the case of The State v. Reginald Latimore in the Supreme Court. On November 10, 2011, counsel filed a motion to remand for ruling on 59(e) motion in the case of Jerry Galbreath v. State. On November 2, 2011, counsel had an oral argument in the case of State v. Tarus Henry in this Court and filed the initial brief of appellant and designation of matter in the case of State v. Marcus Evans.

(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.

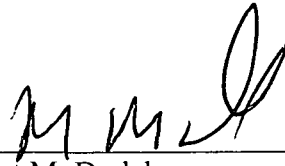
(5) Counsel for the Attorney General's office consents to this request as shown by signature.

WHEREFORE, the undersigned counsel would respectfully request an extension of thirty days in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

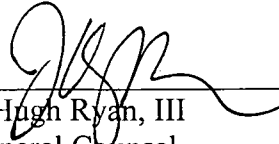
Respectfully submitted,



LaNelle C. Durant  
Appellate Defender



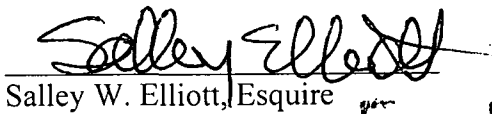
Robert M. Dudek  
Chief Appellate Defender



J. Hugh Ryan, III  
General Counsel

December 16, 2011.

I consent:




Salley W. Elliott, Esquire

**FILED**

**12.21.11 DV**

GRANTED  
JOHN CANNON FEW, C.J.  
FOR THE COURT

By:   
(Clerk) (Deputy Clerk)