

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Darlington County
J. Michael Baxley, Circuit Court Judge

RECEIVED

APR 13 2012

SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT.

v.

KRISTOPHER WILMONT BERRY,

APPELLANT.

280
4-16-12
5-16-12

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

Counsel for Kristopher Wilmont Berry respectfully requests an extension of thirty (30) 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 third request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter is due to be served and filed with the Court today, April 13, 2012.
2. Counsel for Mr. Berry 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. On April 6, 2012 counsel filed the petition for writ of certiorari and appendix in Ricky Dale Gilstrap v. State. On March 26, 2012 counsel filed the petition for writ of certiorari in the

Court of Appeals and appendix in State v. Bradley Scott Senter. On March 21, 2012 counsel filed the petition for writ of certiorari and appendix in Tina Sumter v. State. On March 19, 2012 counsel filed the petition for writ of certiorari and appendix in Cedric Perkins v. State. On March 13, 2012 counsel filed the petition for writ of certiorari and appendix in Billy S. Tucker v. State. On March 6, 2012, counsel filed the petition for writ of certiorari and appendix in Victor Brown v. State.

4. Counsel makes this request in good faith and not for purpose of delay.
5. As indicated by signature below, Salley W. Elliott, of the South Carolina Attorney General's Office, does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, 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 petition be held in abeyance pending a ruling on this motion.

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

By: V. Claire Allan
~~(Clerk)~~ (Deputy Clerk)

Respectfully submitted,

Dayne C. Phillips
Dayne C. Phillips
Appellate Defender
Attorney for Petitioner

Robert M. Dudek
Robert M. Dudek
Chief Appellate Defender

April 13, 2012

I do not oppose:

Salley W. Elliott
Salley W. Elliott

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

By: _____
(Clerk) (Deputy Clerk)

FILED
4-18-12 DL