

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Aiken County
Doyet A. Early, III, Circuit Court Judge

RECEIVED
OCT 15 2012
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ALBERT J. CAVE,

APPELLANT

Appellate Case No. 2011-198190

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

Counsel for Albert J. Cave 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 are due to be filed with the Court October 15, 2012. The Court has granted counsel two previous extensions.
2. Counsel for Mr. Cave 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 October 15, 2012, counsel filed the brief of appellant in State v. Leonard Goodwin with this Court. On October 5, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Larry Mitchell v. State with the Supreme Court. On October 2, 2012, counsel has filed the brief of appellant and designation of matter in State v. Demetrious Smalls and filed the motion to remand for record reconstruction in State v. Christopher G. Roberts with this Court. On October 1, 2012, counsel has filed the return to petition for certiorari in Edward Twyman v. State with the Supreme Court. On September 27, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Lavelle Weaver v. State with the Supreme Court. On September 24-26, 2012, counsel attended the South Carolina Public Defenders Conference. On September 18, 2012, counsel has filed the brief of appellant and designation of matter in State v. Troy Terrell Baxter with this Court. On September 14, 2012, counsel has filed the brief of appellant and designation of matter in State v. Perry Bernard Buchanan with this Court. On September 12, 2012 counsel filed the brief of appellant in State v. Antoine Chestnut with this Court. On September 12, 2012, counsel also had oral arguments in State v. Samuel L. McNeil and State v. Timothy O. Chandler with this Court. On September 7, 2012, counsel filed the return to petition for certiorari in Troy Robinson v. State with the Supreme Court. On August 30, 2012, counsel filed the petition for rehearing in State v. Clifford Wylie with the Supreme Court. On August 24, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Dustin Tiller v. State with the Supreme Court. August 16, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Christopher J. Hickman v. State with the Supreme Court. On August 15, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in Brian Powell v. State with the Supreme Court and filed the brief and record on appeal in State v. Mitchell Rivers with this Court. On August 10, 2012, counsel filed the petition for writ of certiorari and accompanying appendix in John P. Hendrix v. State with the Supreme Court.

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 an additional thirty (30) day extension in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Breen R. Stevens
Appellate Defender

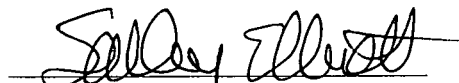
Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender

This 15th day of October, 2012.

I consent:



Salley Elliott, Esquire