

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Steven H. John, Circuit Court Judge

RECEIVED

MAR 05 2012

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

HENRY JERMAINE DUKES,

APPELLANT

MOTION TO FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER OUT OF TIME


Counsel for Henry Jermaine Dukes respectfully requests to be allowed to file the initial brief and designation of matter out of time in this case. In support of this request, counsel shows:

- (1) The initial brief of appellant and designation of matter were due to be served and filed with the Court on February 15, 2012.
- (2) The date to file the brief was not calendared and an extension request was not made.
- (3) Counsel is handling a heavy caseload of appeals and would respectfully request that the time be held in abeyance pending the Court's decision.
- (4) Counsel makes this request in good faith and not for purposes of delay.

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

WHEREFORE, counsel for appellant respectfully requests be allowed to file the initial brief and designation of matter out of time in this case.

Respectfully submitted,

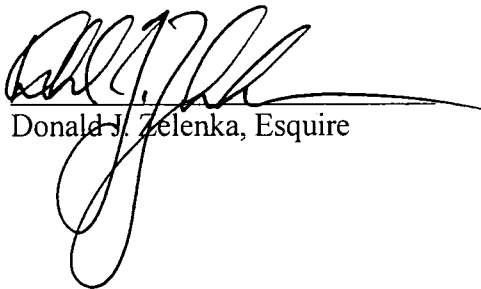


Kathrine H. Hudgins
Appellate Defender

Attorney for Appellant

This 5th day of March, 2012

I consent:



Donald J. Zelenka, Esquire

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT
By: V. Claire Allen
(Clerk) (Deputy Clerk)