

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Doyet A. Early, III, Circuit Court Judge

RECEIVED

MAY 20 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

AUGUST BYRON KREIS,

APPELLANT

APPELLATE CASE NO. 2015-002340

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

Counsel for August Byron Kreis respectfully requests an extension of thirty (30) days, **until June 20, 2016**, 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 today.
2. Counsel for August Byron Kreis respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.

3. On May 11, 2016 counsel, with co-counsel Keir M. Weyble, filed the petition for writ of certiorari in the case of Sammie Louis Stokes v. State with the Supreme Court of the United States. On May 11, 2016, counsel, with co-counsels Susan Hackett and David Alexander filed the petition for writ of certiorari to the Court of Appeals in the case of Brett D. Parker v. State with the Supreme Court. On May 11, 2016, counsel filed the petition for writ of certiorari in the case of Dedric L. Isreal v. State with the Supreme Court. On April 27, 2016, counsel filed the petition for writ of certiorari in the death penalty case of Anthony Woods v. State with the Supreme Court. On April 27, 2016, counsel filed the brief of petitioner in the case of State v. Raheem D. King with the Supreme Court. On April 8, 2016, counsel filed the return to petition for writ of certiorari in the case of Vander Davon Meetze v. State with the Supreme Court. On April 6, 2016, counsel filed the initial brief of appellant and designation of matter in the case of State v. David Young with this Court. On March 29, 2016, counsel filed the initial brief of appellant and designation of matter in the case of State v. Elias James Walker with this Court. On March 23, 2016, counsel filed the return to petition for writ of certiorari in the case of Levi C. Wells v. State with the Supreme Court. On March 14, 2016 counsel filed a petition for writ of certiorari to the Court of Appeals in the case of State v. Nathaniel Witherspoon with the Supreme Court. On March 10, 2016 counsel filed a petition for writ of certiorari to the Court of Appeals in the case of State v. Andrew Antonio Clemons with the Supreme Court. On February 25, 2016 counsel filed a petition for rehearing in the case of State v. Ryan P. Deleston with this Court. On February 18, 2016, counsel filed the return to petition for writ of certiorari in the case of Edward Rorecuse Young v. State with the Supreme 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 the Supreme Court. On February 12, 2016, counsel filed the return to petition for writ of certiorari in the

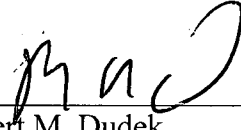
case of David Carmichael v. State with the Supreme Court. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training three new appellate defenders and reading all of their writings. In addition counsel now is reviewing applications, and will continue interviewing for another Appellate Defender position since Appellate Defender Benjamin Tripp has accepted another position.**

4. Counsel makes this request in good faith and not for purpose of delay. Counsel is working first on cases that have been extended three times in an effort to make his caseload more manageable and reduce the number of extensions in the future.

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

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until June 20, 2016**, 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 brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender



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

This 20th day of May, 2016.

I consent:



J. Benjamin Aplin, Esquire