

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Edgefield County

R. Knox McMahon, Circuit Court Judge

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JUN 01 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GENE D. COOK,

APPELLANT

APPELLATE CASE NO. 2015-001922

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

Counsel for appellant respectfully requests an extension of thirty (30) days, **until July 1, 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. The Court has granted counsel two previous extensions.
2. Counsel for appellant 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. Counsel filed the return opposing the state's motion to strike petition for writ of certiorari, appendix, and supplemental appendices for failure to comply with rule 210(c), SCACR in the case of Tunzy Sanders v. The State of South Carolina in the Supreme Court on May 27, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Dustin Evans v. The State of South Carolina in the Supreme Court on May 25, 2016. Counsel filed the initial brief of appellant in the case of The State v. Gerome Smith with the Court of Appeals on May 20, 2016. Counsel filed the initial reply brief of appellant in the case of The State v. Lance L. Miles with the Court of Appeals on May 16, 2016. Counsel filed the motion to remand in the case of The State v. Joe Ross Worley with the Court of Appeals on May 4, 2016. Counsel filed *White v. State* brief of appellant in the case of Daniel Hamrick v. The State of South Carolina in the Supreme Court on May 2, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Daniel Hamrick v. The State of South Carolina in the Supreme Court on May 2, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tony Lee Belton v. The State of South Carolina in the Supreme Court on April 28, 2016. Counsel filed the petition for rehearing in the case of The State v. Shawn Lee Wyatt with the Court of Appeals on April 20, 2016. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of James Clyde Dill v. The State of South Carolina in the Supreme Court on April 18, 2016.

4. Counsel makes this request in good faith and not for purpose of delay.

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

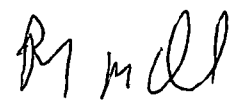
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until July 1, 2016**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



John H. Strom  
Appellate Defender

Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender

This 1<sup>st</sup> day of June, 2016.

I consent:

  
Benjamin Aplin, Esquire