

9th AFB due 5/20/16
ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Clarendon County

William Jeffrey Young, Circuit Court Judge

RECEIVED

MAY 20 2016

SC Court of Appeals

STATE,

RESPONDENT,

V.

JONATHAN CODY NEWMAN,

APPELLANT

APPELLATE CASE NO. 2015-000091

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

Counsel for Jonathan Cody Newman respectfully requests a **final seven (7) day extension, until May 27, 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. 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 Jonathan Cody Newman 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. **Counsel regrets having to request this extension but the following facts show its necessity.**

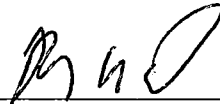
3. This office has repeatedly reached out to the Clarendon County Clerk of Court, Clarendon County Sheriff's Department, Clarendon County Solicitor's Office and the Manning Police Department in order to obtain Court's Exhibit 12 (Interview transcript of Co-defendant Leroy Samuels) but, to date, still has not obtained the exhibit. These are unusual circumstances where the Clerk of Court maintains it did not retain custody of this important exhibit. In addition, 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. As to counsel's personal workload, 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 a very lengthy 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.

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.

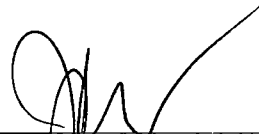
WHEREFORE, the undersigned counsel would respectfully request a **final seven (7) day extension until May 27, 2016**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

Attorney for Appellant



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

This 20th day of May, 2016.

I consent:



J. Benjamin Aplin, Esquire