

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Alison Renee Lee, Circuit Court Judge

RECEIVED

JUL 13 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JERRY L. GARDNER JR.,

APPELLANT

APPELLATE CASE NO. 2015-002604

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

Counsel for Jerry L. Gardner Jr. 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 today. The Court has granted counsel two previous extensions.

2. Counsel for Jerry L. Gardner Jr. 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 her caseload, counsel hopes that no further extension requests will be required.

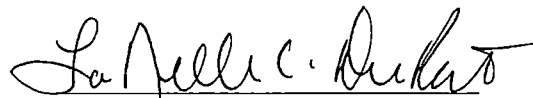
3. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Matthew Atkinson v. The State in the Supreme Court on June 9, 2016. Counsel had an oral argument in the case of The State v. Arthur Moseley before this Court on June 8, 2016. Counsel filed the petition for rehearing in the case of The State v. Jeffrey Davis in this Court on May 23, 2016. Counsel filed brief of appellant and designation of matter in the case of The State v. Tracy Alston in this Court on May 19, 2016. Counsel filed brief of appellant and designation of matter in the case of The State v. Jonathan Gibson in this Court on May 12, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. John Holmes in this Court on May 3, 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.

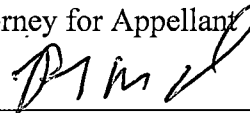
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a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

Respectfully submitted,



LaNelle C. Durant
Appellate Defender

Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender

This 13th day of July, 2016.

I consent:



J. Benjamin Aplin, Esquire