

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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ORIGINAL

Appeal from Lexington County  
Doyet A. Early, III, Circuit Court Judge

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RECEIVED

JUL 20 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

AUGUST BYRON KREIS,

APPELLANT

APPELLATE CASE NO. 2015-002340

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

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Counsel for August Byron Kreis respectfully requests a **final** extension of thirty (30) days **until August 19, 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. The Court has granted counsel four previous extensions.
2. Counsel for August Byron Kreis 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.

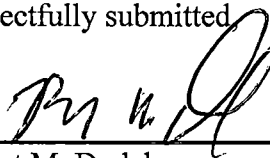
3. On July 18, 2016 counsel filed the petition for writ of certiorari in the case of Melody Holmes v State with the Supreme Court. On July 8, 2016, counsel filed the initial brief of appellant in the case of State v. Walter Scott Garrett with this Court. On June 23, 2016 counsel filed the petition for rehearing in the case of State v. James Cross with this Court. On June 15, 2016 counsel argued the case of State v. Bryan Rearick in the Supreme Court. On June 13, 2016 counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. Ricky Eugene Passmore with the Supreme Court. On June 2, 2016, counsel was co-counsel to Miles Edward Coleman on the initial reply brief of appellant filed in the case of State v. Hank Eric Hawes with this Court. On May 27, 2016, counsel filed the initial brief of appellant in the case of State v. Jonathan Cody Newman with this Court. On May 23, 2016 counsel, with co-counsel Lara M. Caudy, filed the petition for writ of certiorari in the Court of Appeals in the case of State v. Ryan Deleston with the Supreme Court. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training five less experienced appellate defenders and reading all of their writings.**

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.

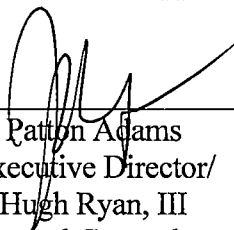
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension** until **August 19, 2016**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted



Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant



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

This 20<sup>th</sup> day of July, 2016.

I consent:

for   
J. Benjamin Aplin, Esquire