

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Daniel D. Hall, Circuit Court Judge

ORIGINAL
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AUG 05 2016

RESPONDENT
SC Court of Appeals

THE STATE,

v.

DEVIONNE DEVAIGHN MCCLAIN,

APPELLANT

APPELLATE CASE NO. 2015-002595

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

Counsel for appellant respectfully requests a **fourth and final** extension of thirty (30) days **until September 6, 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 fourth 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 three 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.

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3. Counsel filed the initial brief of appellant in the case of The State v. Gene D. Cook with the Court of Appeals on August 1, 2016. Counsel filed the resentencing motion in the case of The State of South Carolina v. Michael Smith in the Court of General Sessions, First Judicial Circuit on July 21, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State of South Carolina v. Andre Robinson in the Supreme Court on July 18, 2016. Counsel filed the initial brief of appellant in the case of The State v. David Lee Walker with the Court of Appeals on July 15, 2016. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of The State of South Carolina v. Shawn Lee Wyatt in the Supreme Court on July 11, 2016. Counsel filed the initial brief of appellant in the case of The State v. Joseph Umphlett with the Court of Appeals on June 30, 2016. Counsel filed the amended petition for writ of certiorari and accompanying appendix in the case of Charles Junious v. The State of South Carolina in the Supreme Court on June 28, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Trey Levar Garner v. The State of South Carolina in the Supreme Court on June 20, 2016. Counsel filed the Motion to Reconstruct the Record and Hold Appeal in Abeyance in the case of The State v. William Caughman with the Court of Appeals on June 17, 2016.

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.

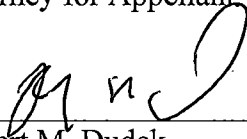
WHEREFORE, the undersigned counsel would respectfully request **a final thirty (30) day extension until September 6, 2016** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.


Respectfully submitted,



John H. Strom
Appellate Defender

Attorney for Appellant

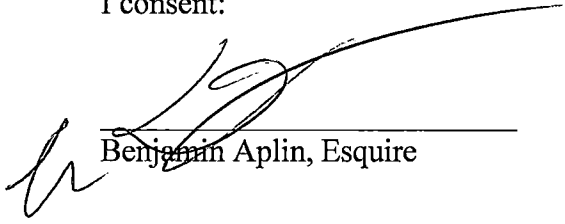


Robert M. Dudek
Chief Appellate Defender

J. Hugh Ryan, III
General Counsel

This 5th day of August, 2016.

I consent:



Benjamin Aplin, Esquire