

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**ORIGINAL**

Appeal from Lexington County  
Honorable R. Knox McMahon, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DAVID RAY BROWN,

APPELLANT

**RECEIVED**  
AUG 10 2016  
SC Court of Appeals

Appellate Case No. 2016-000170

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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 David Ray Brown respectfully requests an extension of thirty (30) days, **until September 9, 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.

2. Counsel for David Ray Brown respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.

3. On August 8, 2016, counsel filed the brief of petitioner in the case of Marion Bowman v. State with the Supreme Court. On July 26, 2016, counsel filed the initial brief of

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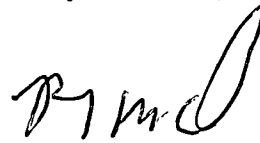
appellant in the case of State v. Devarous S.L. Parks with this Court. On July 18, 2016 counsel filed the petition for writ of certiorari in the case of Melody Holmes v State with the Supreme Court. On July 8, 2016, counsel filed the initial brief of appellant in the case of State v. Walter Scott Garrett 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. **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 is working first on cases that have been extended three times in an effort to make his caseload more manageable and reduce the number of extensions in the future.

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

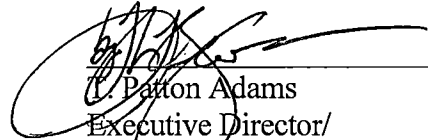
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until September 9, 2016**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender



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

This 10<sup>th</sup> day of August, 2016.

I consent:



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J. Benjamin Aplin, Esquire