

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

THE STATE,

AUG 19 2016  
RESPONDENT,

SC Court of Appeals

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 September 19, 2016**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. *Counsel will make every effort to file the brief before that deadline.* 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. Counsel will make every effort to file the brief before the thirty-day deadline.
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.

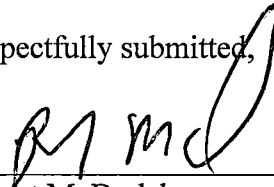
3. On August 16, 2016, counsel presented at the Magistrate Intensive Training Seminar on Warrantless Searches. On August 8, 2016, counsel filed the brief of petitioner in the death penalty case of Marion Bowman v. State with the Supreme Court. On July 26, 2016, counsel filed the initial brief of appellant 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. **Counsel has extensive administrative duties as the Chief Appellate Defender. These include preparing the Appellate portion of the year-ending report, 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 his 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.

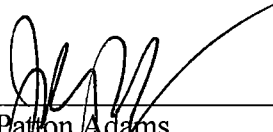
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension** until **September 19, 2016**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. *Counsel will make every effort to file the brief earlier than this deadline*, and he requests that the time limits be held in abeyance pending a ruling on this petition.

Respectfully submitted,



Robert M. Dudek  
Chief Appellate Defender

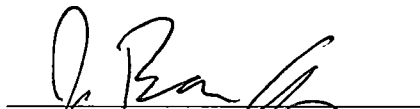
Attorney for Appellant



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

This 19<sup>th</sup> day of August, 2016.

I consent:

  
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J. Benjamin Aplin, Esquire