

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Greenville County  
Robin B. Stilwell, Circuit Court Judge

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SEP 06 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAVID WILKIN ROSS,

APPELLANT

APPELLATE CASE NO. 2016-000738

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

Counsel for David Wilkin Ross 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 David Wilkin Ross 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 petition for writ of certiorari pursuant to Austin v. State and accompanying appendix in the case of Michael Ray Elders v. State in the Supreme Court on September 6, 2016. Counsel filed petition for rehearing in the case of State v. Arthur Moseley in this Court on September 2, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Shanita Cunningham v. State in the Supreme Court on August 31, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Christopher Lee Johnson v. State in the Supreme Court on August 22, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix along with Anders brief of appellant pursuant to White v. State in the case of Charlton L. Hill v. State in the Supreme Court on August 17, 2016. Counsel filed initial brief of appellant and designation of matter in the case of State v. Jerry L. Gardner, Jr. in this Court on August 3, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Vincent Rice v. State in the Supreme Court on August 3, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Termain Cooper v. State in the Supreme Court on July 26, 2016. Counsel filed petition for writ of certiorari to the Court of Appeals in the case of The State v. Jeffrey Davis in the Supreme Court on July 19, 2016. Counsel filed petition for writ of certiorari and the accompanying appendix in the case of Anthony Ogden v. State in the Supreme Court on July 14, 2016.

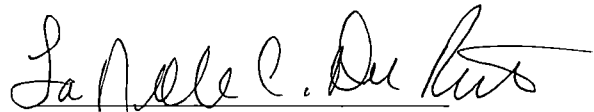
4. Counsel makes this request in good faith and not for purpose of delay.

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

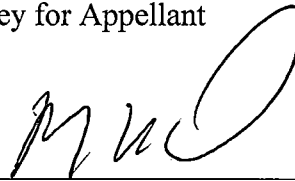
based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



LaNelle C. Durant  
Appellate Defender

Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender

This 6th day of September, 2016.

I consent:

for   
J. Benjamin Aplin, Esquire