

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

**ORIGINAL  
RECEIVED**  
SEP 07 2016  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RICHARD A. CAPELL,

APPELLANT

APPELLATE CASE NO. 2016-000475

PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed the initial reply brief of appellant in the case of State v. Albert E. Siders with this Court on September 6, 2016. Counsel filed the reply to return to petition for writ of certiorari in the case of Sheldon Oakman v. State with the Supreme Court on August 25, 2016. Counsel filed the brief of respondent in the case of Norman Hayes v. State with the Supreme Court on August 17, 2016. Counsel filed the petition for writ of certiorari in the case of Ronald Smith v. State with the Supreme Court on August 12, 2016. Counsel filed the petition

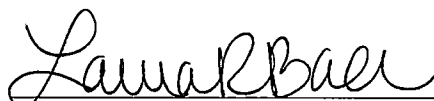
for writ of certiorari in the case of Antwine Matthews v. State with the Supreme Court on August 12, 2016. Counsel filed the initial brief of appellant in the case of State v. Dean Distasio with the Supreme Court on August 8, 2016. Counsel filed the initial brief of respondent in the case of State v. Josie Jones with the Supreme Court on July 22, 2016. Counsel filed the initial brief of appellant in the case of State v. Darren Keith Belt with this Court on July 15, 2016. Counsel filed the petition for writ of certiorari in the case of Derrick Harriott v. State with the Supreme Court on July 5, 2016.

3. This request is made in good faith, and not for purposes of delay.

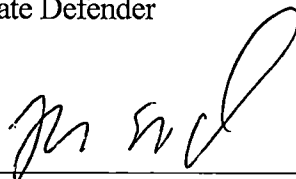
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,




Laura R. Baer  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

September 7, 2016

I DO NOT OPPOSE:

  
\_\_\_\_\_  
J. Benjamin Aplin, Esquire