

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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SEP 19 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

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 RESPONDENT  
AND DESIGNATION OF MATTER

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Counsel for August Byron Kreis respectfully requests a **final** extension of sixteen (16) days **until October 5, 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 apologizes for the necessity of this request.
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.

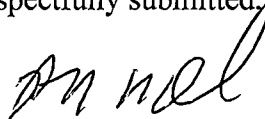
3. On September 8, 2016, counsel had an oral argument in the case of State v. Joshua Griffith before this Court. On September 8, 2016, counsel had an oral argument in the case of State v. Shannon Scott before this Court. On September 7, 2016, counsel had an oral argument in the case of State v. Raheem D. King before the Supreme Court. On September 6, 2016, counsel filed the return to petition for writ of certiorari in the case of Vernell W. Harris v. State with the Supreme Court. 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 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. **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. Counsel has also been preparing to present at the Public Defender's Conference on Case Law Update on September 26, 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 sixteen (16) day extension** until **October 5, 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,



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Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant

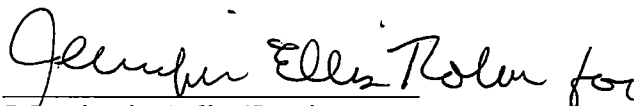


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T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel

This 19th day of September, 2016.

I consent:



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J. Benjamin Aplin, Esquire