

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Sumter County

RECEIVED

Honorable William Jeffrey Young, Circuit Court Judge

SEP 26 2016

THE STATE,

SC Court of Appeals

RESPONDENT,

V.

FAVIAN A. HAYES,

APPELLANT

APPELLATE CASE NO 2009-129706

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

Counsel for appellant respectfully requests an extension of thirty (30) days, **until October 26, 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. The Court has granted counsel two previous extensions.
2. Counsel for appellant 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. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Paula Reed Rose with the Court of Appeals on September 14, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Dennis F. Sanders v. The State of South Carolina in the Supreme Court on September 6, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Devionne Devaughn McClain with the Court of Appeals on September 6, 2016. Counsel filed the brief of petitioner and accompanying appendix in the case of Lloyd Wright v. State of South Carolina in the Supreme Court on August 17, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Robert Steven Jolly with the Court of Appeals on August 17, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Shane A. Mahon with the Court of Appeals on August 10, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Vondell Malachi v. The State of South Carolina in the Supreme Court on August 5, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Gene D. Cook with the Court of Appeals on August 1, 2016. Counsel filed the resentencing motion in the case of The State of South Carolina v. Michael Smith in the Court of General Sessions, First Judicial Circuit on July 21, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Andre Robinson v. The State of South Carolina in the Supreme Court on July 18, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. David Lee Walker with the Court of Appeals on July 15, 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.

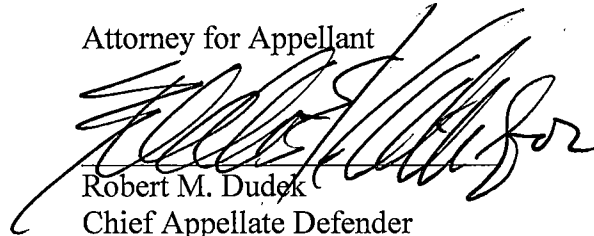
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until October 26, 2016**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



John H. Strom
Appellate Defender

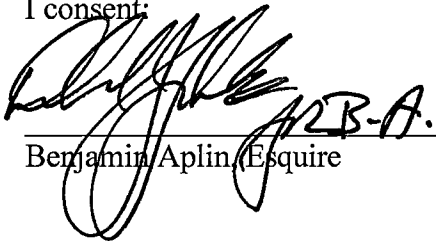
Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender

This 26th day of September, 2016.

I consent:



Benjamin Aplin (Esquire)