

4th AIB due 10/17/16

3

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Richland County
DeAndre Benjamin, Circuit Court Judge

RECEIVED

OCT 17 2016

THE STATE,

RESPONDENT, SC Court of Appeals

V.

EMMANUEL ELLERBY,

APPELLANT

APPELLATE CASE NO. 2015-002620

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

Counsel for Emmanuel Ellerby respectfully requests an extension of **final thirty (30) days, until November 16, 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 fourth 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 three previous extensions.
2. Counsel for Emmanuel Ellerby 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.

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3. Counsel filed the Johnson Petition for Writ of Certiorari and accompanying appendix in the case of Gregory Pencille v. The State of South Carolina in the Supreme Court on October 14, 2016. Counsel filed the Anders Brief of Appellant, Designation of Matter, and Record on Appeal in the case of The State v. Rasheed T. Glover in the Court of Appeals on October 10, 2016. Counsel filed the Johnson Petition for Writ of Certiorari and the accompanying appendix in the case of Johnny James Edwards, Jr v. The State of South Carolina with this Court on September 30, 2016. Counsel filed the Anders Brief of Appellant and record on appeal in the case of The State of South Carolina v. Randy Glenn in this Court on September 28, 2016. Counsel filed the Petition for Writ of Certiorari and the accompanying appendix in the case of The State of South Carolina v. William Anthony Wallace in this Court on September 19, 2016. Counsel filed the Petition for Writ of Certiorari and the accompanying appendix in the case of The State of South Carolina v. Marco Sanders in this Court on September 19, 2016. Counsel filed the Petition for Writ of Certiorari and the accompanying appendix in the case of Darryl Frierson v. The State of South Carolina in this Court on September 19, 2016. Counsel filed the petition for writ of certiorari and the accompanying appendix Tommie L. Pixley v. The State of South Carolina with this Court on September 12, 2016. Counsel filed the Johnson petition for writ of certiorari and the accompanying appendix in the case of Oblin Banegas Maldonado v. The State of South Carolina with this Court on September 9, 2016. Counsel filed the reply to return to petition for writ of certiorari in the case of Clark D. Thomas v. The State of South Carolina with this Court on September 8, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Roosevelt Anthony Reaves v. The State of South Carolina with this Court on September 7, 2016. Counsel filed a motion in opposition in the case of Willis Weary v. The State of South Carolina on September 2, 2016, with this Court.

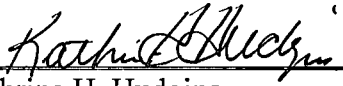
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

will hopefully become more manageable in the near future, and less extensions will need to be requested.

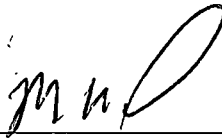
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until November 16, 2016** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

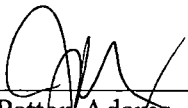
Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



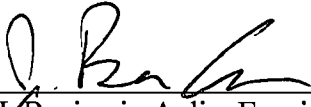
Robert M. Dudek
Chief Appellate Defender



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

This 17th day of October, 2016.

I consent:



J. Benjamin Aplin, Esquire