

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
John C. Hayes, Circuit Court Judge

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OCT 19 2016
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BENJAMIN CERVANTES-HERNANDEZ,

APPELLANT

APPELLATE CASE NO. 2016-000612

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

The undersigned counsel would respectfully request 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 exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by two prior orders of this Court.
2. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Jeremiah Fitzgerald Belton in this Court on October 17, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Casey Perkins v. State in the Supreme Court on October 10, 2016. Counsel filed the petition for writ of certiorari to this Court

in the case of State v. William Calvert in the Supreme Court on September 29, 2016. Counsel filed the petition for writ of certiorari to this Court in the case of State v. James Simmons in the Supreme Court on September 29, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Joseph Davis v. State in the Supreme Court on September 26, 2016. Counsel attended the 2016 Annual Public Defender Conference from September 26 through September 28, 2016 in Myrtle Beach, South Carolina. Counsel argued in the case of Michael Gonzales v. State in the Supreme Court on September 21, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kenneth Rivera v. State in the Supreme Court on September 14, 2016. Counsel argued in the case of State v. Devin Johnson in this Court on September 8, 2016. Counsel argued in the case of State v. Walter M. Bash in the Supreme Court on September 7, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Walter Greene v. State in the Supreme Court on August 26, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. John Kenneth Massey, Jr. in this Court on August 25, 2016.

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

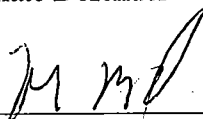
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the initial brief of appellant and designation of matter in this case. Counsel 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,



Susan B. Hackett
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

October 19, 2016

I DO NOT OPPOSE:


J. Benjamin Aplin Esquire