

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Sumter County

Honorable William Jeffrey Young, Circuit Court Judge

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OCT 26 2016

SC Court of Appeals

THE STATE,

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 a **fourth and final** extension of thirty (30) days **until November 25, 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 appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

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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. Brandon Jermaine Benson with the Court of Appeals on October 17, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Alan Massey with the Court of Appeals on October 17, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jacqueline Mesidor with the Court of Appeals on September 30, 2016. Counsel filed the motion to hold appeal in abeyance and motion to remand for reconstruction of the record in the case of The State v. Terry MacCall with the Court of Appeals on September 30, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tommy McKnight v. The State of South Carolina in the Supreme Court on September 28, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Antwine Matthews v. The State of South Carolina in the Supreme Court on September 26, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Bernardo Evans v. The State of South Carolina in the Supreme Court on September 26, 2016. Counsel had an oral argument in the case of The State v. Donte Samar Brown in the Court of Appeals on September 21, 2016. 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.

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.

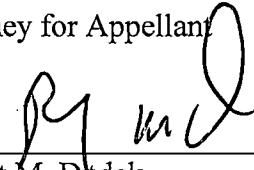
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until November 25, 2016** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

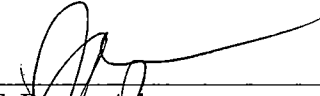


John H. Strom  
Appellate Defender

Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender



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

This 26<sup>th</sup> day of October, 2016.

I consent:



Benjamin Aplin, Esquire