

4th AFB Jul 14/16/16

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Lancaster County
Honorable Thomas A. Russo, Circuit Court Judge

RECEIVED

NOV 16 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BRANDON HUNTER KENNY RIVERS,

APPELLANT

APPELLATE CASE NO. 2016-000402

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

Counsel for Brandon Hunter Kenny Rivers respectfully requests a **fourth and final** extension of thirty (30) **until December 16, 2016**, days 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 Brandon Hunter Kenny Rivers 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.

J

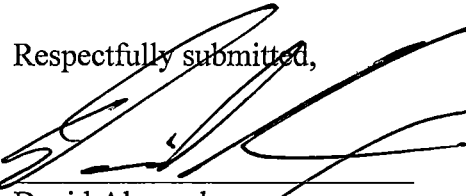
3. Counsel filed Johnson petition for writ of certiorari in the case of Vashawn Ravenel v. State with the Supreme Court on November 14, 2016. Counsel filed petition for writ of certiorari to the Court of Appeals and accompanying appendix from the Court of Appeals in the case of Darrell L. Goss v. State with the Supreme Court on November 14, 2016. Counsel filed the Anders brief of appellant and designation of matter in the case of State v. King Chevais Conyers with the Court of Appeals on November 9, 2016. Counsel filed a petition for rehearing in the case of Corey Jamal Williams v. State with the Court of Appeals on November 2, 2016. Counsel filed the reply brief of appellant in the case of State v. Vincent Missouri with the Court of Appeals on October 28, 2016. Along with co-counsel Chief Appellate Defender Robert M. Dudek and Appellate Defender Lara M. Caudy, counsel filed the Post – Hearing Supplemental Memorandum in the case of Marion Alexander Lindsey v. State with the Court of Common Pleas Seventh Judicial Circuit on October 21, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix as well as the Johnson petition for writ of certiorari pursuant to Austin v. State in the case of Alexander Lynch v. State in the Supreme Court on October 19, 2016. Counsel filed the Anders brief of appellant and designation of matter in the case of State v. Jason Morton with the Court of Appeals on October 17, 2016. Counsel had an oral argument in the case of State v. Dominique Lavar Williams before the Court of Appeals on October 12, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Rodney M. Alexander with the Court of Appeals on September 30, 2016. On September 22, 2016, counsel argued motions before the PCR court in Spartanburg, South Carolina, pursuant to the Supreme Court’s remand Order in the death penalty case of Marion Alexander Lindsey v. State. Counsel filed the Anders brief of appellant and designation of matter in the case of State v. Martin Rodriguez with the Court of Appeals on September 19, 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

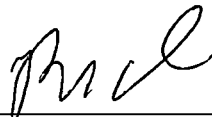
will hopefully become more manageable in the near future, and less extensions will need to be requested.

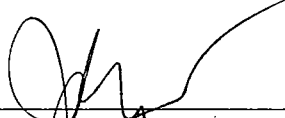
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request **a fourth and final thirty (30) day extension until December 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,


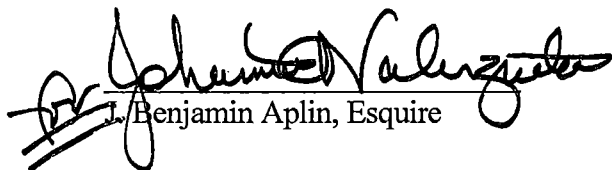
David Alexander
Appellate Defender
Attorney for Appellant


Robert M. Dudek
Chief Appellate Defender


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

This 16th day of November, 2016.

I consent:


J. Benjamin Aplin, Esquire