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6th AIB due 11/23/16

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Horry County  
Larry B. Hyman, Circuit Court Judge

RECEIVED

NOV 23 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROBERT CARL WARE,

APPELLANT

APPELLATE CASE NO. 2016-000133

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

Counsel for Robert Carl Ware respectfully requests a **final thirty (30) day extension, until December 22, 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. 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.
2. Counsel for Robert Carl Ware 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.

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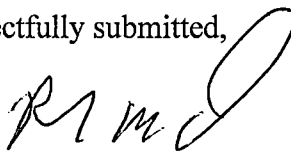
3. On November 21, 2016, counsel filed the brief in opposition to the petition for writ of certiorari in the case of The State of South Carolina v. Antonio Miller with the United States Supreme Court. Counsel, along with co-counsel, Lara Caudy, is working on the reply to the return to petition for writ of certiorari in the death penalty case of Anthony Woods v. The State of South Carolina. On November 10, 2016, counsel was co-counsel on the initial reply brief of appellant that was filed in the death penalty case of The State v. Luzenski Cottrell with the Supreme Court. On November 7, 2016, counsel filed the initial brief of respondent and designation of matter in the case of The State v. Richard P. Krochmal with this Court. On November 3, 2016, counsel filed the petition for rehearing in the case of The State v. Thomas James with this Court. On October 31, 2016 counsel filed the initial brief of appellant in the case of The State v. Joseph Bowers. On October 21, 2016, counsel filed the initial brief of appellant in the case of State v. Marquise Green with this Court. On October 21, 2016, counsel filed the initial brief of appellant in the case of State v. James Chadwick Lyda with this Court. On October 20, 2016 counsel filed the petition for writ of certiorari to the Court of Appeals in the case of State v. James Scott Cross with the Supreme Court. On October 14, 2016, counsel filed the initial brief of appellant in the case of State v. August Kreis with this Court. On October 3, 2016, counsel filed the petition for writ of certiorari in the case of Richey Lamont Boyd v. State with the Supreme Court. On September 30, 2016, counsel filed the initial brief of appellant in the case of State v. Jeffrey Dana Andrews with this Court. Counsel presented at the Public Defender's Conference on Case Law Update and three error preservation exercises on September 26, 2016. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training four less experienced appellate defenders and reading all of their writings.**

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 December 22, 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,



Robert M. Dudek  
Chief Appellate Defender


Attorney for Appellant



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

This 23<sup>rd</sup> day of November, 2016.

I consent:

for   
Donald J. Zelenka, Esquire