

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Newberry County

Honorable Frank R. Addy, Circuit Court Judge  
\_\_\_\_\_

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

THEIA DARION MCARDLE,

APPELLANT

APPELLATE CASE NO 2016-000843  
\_\_\_\_\_

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

Counsel for appellant respectfully requests an extension of thirty (30) days, **until December 28, 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 third 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 two 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 previously
- J

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 petition for writ of certiorari and accompanying appendix in the case of Donnell Hutchinson v. The State of South Carolina in the Supreme Court on November 18, 2016. Counsel filed the petition for rehearing in the case of The State v. Donte Samar Brown with the Court of Appeals on November 17, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Edward Tyler v. The State of South Carolina in the Supreme Court on November 17, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Albert Owens v. The State of South Carolina in the Supreme Court on October 31, 2016. Counsel filed the petition for rehearing in the case of The State v. Daniel Martinez Herrera with the Court of Appeals on October 27, 2016. Counsel filed the reply brief pursuant to White v. State in the case of Daniel Hamrick v. The State of South Carolina in the Supreme Court on October 27, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Deitrich Funchess v. The State of South Carolina in the Supreme Court on October 26, 2016. Counsel attended a reconstruction hearing in the case of The State v. Joe Ross Worley on October 25, 2016. 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.

4. Counsel makes this request in good faith and not for purpose of delay.

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

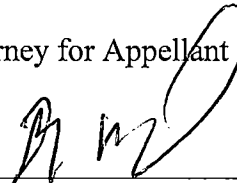
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until December 28, 2016**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



John H. Strom  
Appellate Defender

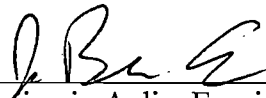
Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender

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

I consent:

*for*   
Benjamin Aplin, Esquire