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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
Robert E. Hood, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

RICHARD A. CAPELL,

APPELLANT

APPELLATE CASE NO. 2016-000475

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

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Counsel for Richard A. Capell, respectfully requests a **fourth and final** thirty (30) days **until January 9, 2017**, in which to file the initial brief of appellant and designation of matter in the above-referenced 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 in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Richard A. Capell, respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

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number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the petition for writ of certiorari in the case of Chad Hollingsworth v. State with this Court on December 7, 2016. Counsel filed the Brief of Respondent in the case of Letron Davis v. State with the Supreme Court on December 5, 2016. Counsel filed the petition for writ of certiorari in the case of Roshod Baker v. State with the Supreme Court on November 23, 2016. Counsel filed the initial brief of appellant in the case of State v. David Alan White with this Court on November 21, 2016. Counsel filed the initial brief of appellant in the case of State v. Timothy Wayne Johnson with this Court on October 26, 2016. Counsel filed the petition for writ of certiorari in the case of David Dwight Smith v. State with the Supreme Court on October 26, 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 January 9, 2017, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

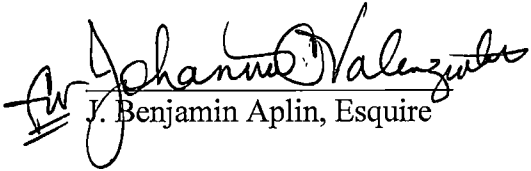
Respectfully submitted,

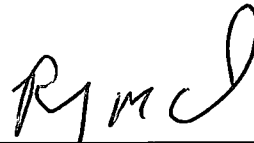


Laura R. Baer  
Appellate Defender

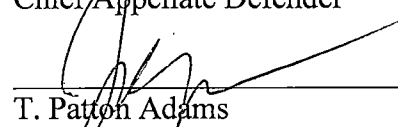
This December 9, 2016.

I do not oppose:

  
J. Benjamin Aplin, Esquire



Robert M. Dudek  
Chief Appellate Defender

  
T. Patton Adams  
Executive Director/  
J. Hugh Ryan, III  
General Counsel/  
W. Lawrence Brown  
Deputy General Counsel