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5th AIB due 12/16/16

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

DEC 16 2016

SC Court of Appeals

Appeal from Greenville County
Letitia H. Verdin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TOMMY LEE WISEMAN,

APPELLANT

APPELLATE CASE NO. 2016-000278

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

Counsel for Tommy Lee Wiseman respectfully requests an extension of thirty (30) days **until January 17, 2017**, 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 Tommy Lee Wiseman 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. Today, December 16, 2016, counsel will be attending a seminar on emerging issues in the South Carolina Juvenile LWOP sentencing and resentencing cases at the University of South Carolina School of Law. Counsel is currently working on the petition for writ of certiorari in the case of The State v. Thomas James in the Supreme Court and in Bryan Rearick v. The State of South Carolina that is due to be filed in the United States Supreme Court on December 30, 2016. On December 9, 2016, counsel filed the brief of petitioner in the case of The State v. Harold Bennon Cartwright, III, with the Supreme Court. On December 1, 2016, counsel, along with co-counsel, Lara M. Caudy, filed the reply to the return to the petition for writ of certiorari in the death penalty case of Anthony Woods v. The State of South Carolina with the Supreme Court. 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. 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 The State v. Marquise Green with this Court. On October 21, 2016, counsel filed the initial brief of appellant in the case of The 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 The State v. James Scott Cross with the Supreme Court. On October 14, 2016, counsel filed the initial brief of appellant in the case of The State v. August Kreis with this Court. **Counsel has extensive administrative duties as the Chief**

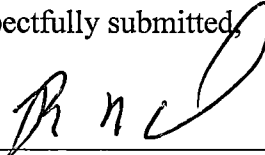
Appellate Defender, including administrative and Appellate Project oversight, and, training four less experienced appellate defenders and reading all of their writings.

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.

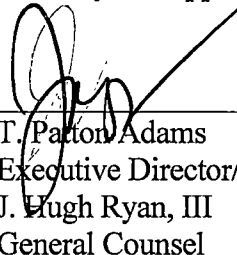
WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension until January 17, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

Attorney for Appellant



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

This 16th day of December, 2016.

I consent:



J. Benjamin Aplin, Esquire