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5th ATB due 12/19/16

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Marion County
William H. Seals, Circuit Court Judge

RECEIVED

DEC 19 2016

SC Court of Appeals

THE STATE,

RESPONDENT

V.

PRESTON MOZEAK

APPELLANT

APPELLATE CASE NO. 2015-002530

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

Counsel for Preston Mozeak, respectfully requests a **final twenty (20) day extension, 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 fifth 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 Preston Mozeak, respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **On December**



18, 2016, Counsel's son became very sick, culminating in his having a seizure. An emergency room visit followed by a visit to the doctor's office were necessary thereafter.

Given the 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 James William McKinney, Jr. v. the State with this Court December 16, 2016. 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. the State with the Supreme Court on December 5, 2016. Counsel filed the petition for writ of certiorari in the case of Roshod Baker v. the 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 opposition to the state's motion to dismiss the motion for resentencing in the case of State v. Ronald Mack in Williamsburg County on November 5, 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.

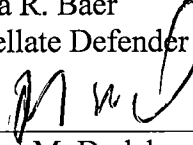
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **fifth and final twenty (20) 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.

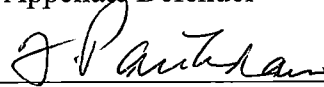
Respectfully submitted,



Laura R. Baer
Appellate Defender



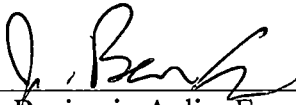
Robert M. Dudek
Chief Appellate Defender



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

This 19th day of December, 2016.

I do not oppose:



J. Benjamin Aplin, Esquire