

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Beaufort County  
Carmen T. Mullen, Circuit Court Judge

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RECEIVED  
DEC 19 2016  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

KEVIN ALSTON,

APPELLANT

APPELLATE CASE NO. 2016-000739

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PETITION FOR EXTENSION TO FILE  
INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.

2. On December 15, 2016, counsel had an oral argument in State v. Tiphani Parkhurst before the Supreme Court. On December 14, 2016, counsel had an oral argument in State v. Stepheno Alston before the Supreme Court. On December 9, 2016, counsel filed the petition for writ of certiorari and accompanying appendix in Troy Wright v. State with the Supreme Court. On December 1, 2016, counsel filed the reply to the return to petition for writ of

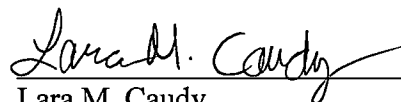
certiorari in the death penalty case of Anthony Woods v. State with the Supreme Court. On November 21, 2016, counsel filed the brief of petitioner in Keith Desue v. State with the Supreme Court. On November 16, 2016 counsel filed the petition for writ of certiorari and the brief of appellant pursuant to White v. State in Steven Spagnoli v. State with the Supreme Court. On November 3, 2016, counsel filed the initial brief of appellant and designation of matter in State v. Felix Kotowski with this Court. On October 10, 2016, counsel filed the initial brief of appellant and designation of matter in State v. Jonathon Phillips with this Court.


3. This request is made in good faith, and not for purposes 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.

4. As indicated by the consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.


Respectfully submitted,

  
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Lara M. Caudy  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

December 19, 2016

I do not oppose:

  
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J. Benjamin Aplin, Esquire