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3rd AFB due 12/21/16

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARK A. BAYNE,

APPELLANT

APPELLATE CASE NO 2016-000809

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 January 20, 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. 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

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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 initial brief of appellant and designation of matter in the case of The State v. Hassan Tyler, with the Court of Appeals on December 16, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Christopher Roberts v. The State of South Carolina in the Supreme Court on December 16, 2016. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Jones v. The State of South Carolina in the Supreme Court on December 6, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Darrell Raines, Jr. with the Court of Appeals on November 28, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Favian Hayes with the Court of Appeals on November 28, 2016. 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.

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.

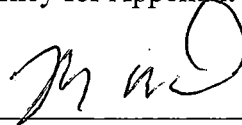
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until January 20, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



John H. Strom
Appellate Defender

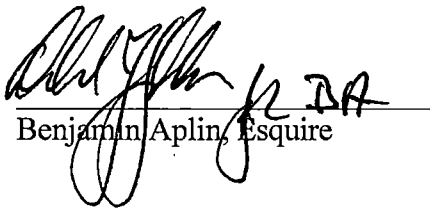
Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender

This 21st day of December, 2016.

I consent:


Benjamin Aplin, Esquire