

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Larry B. Hyman, Circuit Court Judge

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DEC 28 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROBERT CARL WARE,

APPELLANT

APPELLATE CASE NO. 2016-000133

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

Counsel for Robert Carl Ware respectfully requests a **final extension of twenty-two days until January 19, 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 the following exigent circumstances:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today.
2. Counsel for Robert Carl Ware 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.

3. Counsel is currently working on the petition for writ of certiorari in the double jeopardy case of The State v. Bryan Rearick that will be filed in the United States Supreme Court on Friday, December 30, 2016. Counsel is also doing research on legal issues involved in the upcoming Aiken v. Byers juvenile resentencing hearings. **Counsel regrets the necessity of this extension but he also has been battling a cold and cough over the holidays, and currently that has slowed his progress on his heavy workload.** On December 19, 2016, counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Thomas James with the Supreme Court. 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. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and**

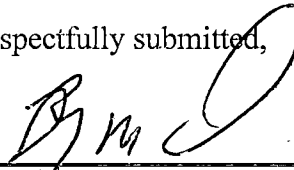
Appellate Project oversight, and, training four less experienced appellate defenders and reading all of their writings.

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.

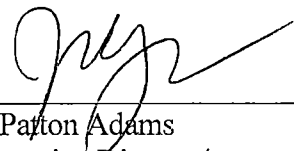
WHEREFORE, the undersigned counsel would respectfully request a **final extension twenty-two day extension until January 19, 2017**, for the reasons given above, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

Attorney for Appellant



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

This 28th day of December, 2016.

I consent:

Donald J. Zelenka
Donald J. Zelenka, Esquire