

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lexington County  
Thomas A. Russo, Circuit Court Judge  
\_\_\_\_\_

RECEIVED  
JAN 03 2017  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BRIAN JACOB TERRELL,

APPELLANT

APPELLATE CASE NO. 2015-001020  
\_\_\_\_\_

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

Counsel for Brian Jacob Terrell respectfully requests a **thirty (30) day extension, until February 2, 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 Brian Jacob Terrell 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.

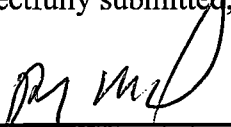
3. On December 30, 2016, counsel filed the petition for writ of certiorari in the case of Bryan Rearick v. The State of South Carolina with the Supreme Court of the United States. Counsel is also doing research on legal issues involved in the upcoming Aiken v. Byers juvenile resentencing hearings. On 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. **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.

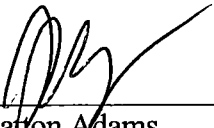
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension until February 2, 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,

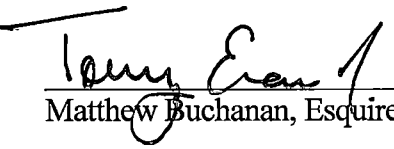
  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant

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

This 3<sup>rd</sup> day of January, 2017.

I consent:

  
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Matthew Buchanan, Esquire