

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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JAN 27 2017

SC Court of Appeals

Appeal from Aiken County

Honorable G. Thomas Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL A. FULLER,

APPELLANT

APPELLATE CASE NO. 2016-000672

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

Counsel for Michael A. Fuller respectfully requests a **final thirty (30) day extension, until February 27, 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 fifth 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 four previous extensions.
2. Counsel for Leonard Jenkins respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Together with co-counsel Robert M. Dudek, Counsel for appellant is currently working on the Reply Brief of Petitioner**

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in the death penalty case of Marion Bowman v. State, which is due on Monday, January 30, 2017, in the Supreme Court and is on its final extension. The transcript in this case exceeds 1,000 pages and contains numerous audio and video exhibits. 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 filed the petition for rehearing in the case of In The Matter and the Care of Daryl T. Snow with this Court on January 26, 2017. Counsel filed the initial brief of respondent and designation of matter in the case of State v. John Kenneth Massey, Jr. with this Court on January 26, 2017. Counsel filed the petition for writ of certiorari in the case of Shaquan Thompson v. State with the Supreme Court on January 19, 2017. Counsel filed the petition for writ of certiorari in the case of State v. Corey Jamal Williams with the Supreme Court on January 18, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Cheo D. Green with this Court on January 17, 2017. Counsel filed the petition for writ of certiorari in the case of Joel Robinson v. State with the Supreme Court on January 13, 2017. Counsel filed the brief of petitioner in the case of State v. James Allen Johnson with the Supreme Court on January 3, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Jason Bodie with this Court on December 28, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Cleveland Edward Young with this Court on December 16, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Brandon Hunter Kenny Rivers with this Court on December 16, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Maurice Marshall Harris with this Court on December 13, 2016. Counsel filed the return to petition for writ of certiorari in the case of State v. Jimmy Turner with the Supreme Court on December 8, 2016.

Counsel had an oral argument in the case of State v. Tyrone D. Ellison before this Court on December 7, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Matthew Dwyer with this Court on December 2, 2016. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Billy Ray Smith with this Court on November 28, 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.

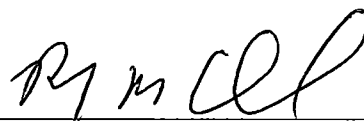
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until February 27, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

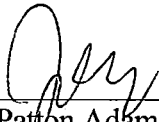
A handwritten signature in black ink, appearing to read 'David Alexander', written over a horizontal line.

David Alexander
Appellate Defender

Attorney for Appellant

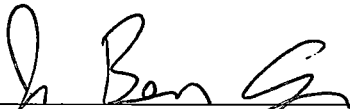
A handwritten signature in black ink, appearing to read 'Robert M. Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender



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

This 27th day of January, 2017.
I consent:



J. Benjamin Aplin, Esquire