

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County
William Jeffrey Young, Circuit Court Judge

RECEIVED

JAN 27 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ARSENIO D. COLCLOUGH,

APPELLANT

APPELLATE CASE NO. 2016-000724

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

Counsel for Arsenio D. Colclough respectfully requests an extension of thirty (30) days **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. 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 Arsenio D. Colclough 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.

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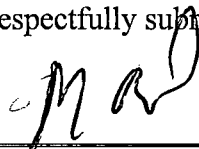
3. Today, January 27, 2017, counsel will file the initial brief of appellant and designation of matter in the case of The State v. Robert Ware with this Court. On Monday, January 30, 2017, counsel will file the petition for certiorari and accompanying appendix in the case of Jerod Swinton v. The State with the Supreme Court. On Monday, January 30, 2017, counsel will also file, along with co-counsel Lara M. Caudy, the initial brief of appellant and designation of matter in the case of The State v. Jonathan Rhodes with this Court. On Monday, January 30, 2017, counsel will also file, along with co-counsel David Alexander, the reply brief in the death penalty case of Marion Bowman v. The State with the Supreme Court. On January 20, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. David Ray Brown with this Court. On January 3, 2017, counsel filed the brief of petitioner in the case of The State v. Ryan P. Deleston with the Supreme Court. On December 30, 2016, counsel filed the petition for writ of certiorari in the double jeopardy case of The State v. Bryan Rearick with the United States Supreme Court. 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. **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.

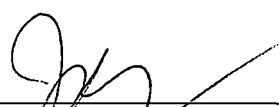
WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension until February 27, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender


Attorney for Appellant



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

This 27th day of January, 2017.

I consent:



Donald J. Zelenka, Esquire

