

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

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FEB 17 2017

SC Court of Appeals

Appeal from Williamsburg County
The Honorable Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BRANDEN JOSHUA KIRBY,

APPELLANT

APPELLATE CASE NO. 2016-001406

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty (30) day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel is appearing in general session's court in Florence County for a hearing on the state's motion to dismiss the defendant's motion for resentencing in State v. Ronald Mack today, February 17, 2017. Counsel filed the petition for rehearing in State v. Stephon Robinson with this Court on February 13, 2017. Counsel filed the petition for writ of certiorari in William

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Patrick Deaton v. State with the Supreme Court on February 13, 2017. Counsel filed the brief of petitioner in the case of Alonda B. Desaussure v. State with the Supreme Court on February 7, 2017. Counsel filed the petition for rehearing in the case of State v. David Glover with this Court on January 24, 2017. Counsel filed the petition for writ of certiorari in the case of Boyd Rashaeen Evans v. State with the Supreme Court on January 20, 2017. Counsel filed the Anders brief of appellant and record on appeal in the case of State v. Calvin Terrell Williams with this Court on January 18, 2017. Counsel filed the initial reply brief of appellant in the case of State v. Dean Distasio with this Court on January 12, 2017. Counsel filed the initial brief of appellant in the case of State v. Preston Mozeak with this Court on January 11, 2017. Counsel filed the initial brief of appellant in the case of State v. Richard A. Capell with this Court on January 9, 2017. Counsel filed the initial brief of appellant in the case of State v. John Calvin Sledge with this Court on January 9, 2017. Counsel filed the Johnson petition for writ of certiorari in the case of Leonard B. Goodwin v. State with the Supreme Court on January 3, 2017.

3. This request is made in good faith, and not for purposes 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.

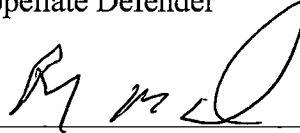
4. As indicated by the counsel below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Laura R. Baer
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 17th day of February, 2017.

I do not oppose:



J. Benjamin Aplin, Esquire