

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenville County

MAR 06 2017

Honorable James R. Barber, Circuit Court Judge SC Court of Appeals

THE STATE,

RESPONDENT,

v.

GERALD DWAYNE POWELL,

APPELLANT

APPELLATE CASE NO. 2016-001574

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

The undersigned counsel respectfully requests a thirty 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 filed the amended initial brief of appellant in State v. Albert E. Siders with this Court on February 27, 2017. Counsel filed the petition for writ of certiorari in David Lee Coward v. State with the Supreme Court on February 22, 2017. Counsel appeared 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 on 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 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 Rashaen 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.

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


4. As indicated by his consent 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



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Robert M. Dudek  
Chief Appellate Defender

March 6, 2017

I DO NOT OPPOSE:



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Benjamin J. Aplin, Esquire