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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Florence County  
R. Knox McMahon, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

CORY NETTLES ALLEN,

APPELLANT

APPELLATE CASE NO. 2016-000686

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

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Counsel for Cory Nettles Allen respectfully requests an extension of **thirty (30) days until April 7, 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 Cory Nettles Allen 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.

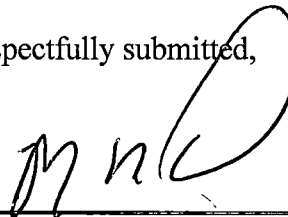
3. On February 28, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tyrone Malcolm Benn with this Court. On February 24, 2017, counsel presented at the 26<sup>th</sup> Annual Criminal Law Seminar. On February 23, 2017, counsel filed the petition for rehearing in the case of The State v. Calvert Myers with this Court. On February 22, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tommy Lee Wiseman with this Court. On February 16, 2017, counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Ahshaad Owens with this Court. On February 16, 2017, counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Sylvester Keejuan King with this Court. On February 8, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Lindell Davis with this Court. On February 1, 2017, counsel filed the brief of respondent in the case of Marshall Heath Collins v. The State with the Supreme Court. On February 1, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Brian Terrell with this Court. On January 30, 2017, counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jerod Swinton v. The State with the Supreme Court. On January 27, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Robert Ware with this Court. On January 26, 2017, counsel filed the petition for rehearing in the case of The State v. Jalann Williams with this 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. **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 April 7, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. 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,



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Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant




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J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 8<sup>th</sup> day of March, 2017.

I consent:

  
for Donald J. Zelenka, Esquire