

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

Appeal from Williamsburg County

Honorable Clifton Newman, Circuit Court Judge

MAR 20 2017  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BRANDEN JOSHUA KIRBY,

APPELLANT

APPELLATE CASE NO. 2016-001406

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

Counsel for Branden J. Kirby respectfully requests an extension of a **final thirty (30) days, until April 19, 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 fourth 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 three previous extensions.
2. Counsel for Branden J. Kirby respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

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previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.


3. Counsel filed the petition for rehearing in Letron Davis v. State with the Supreme Court on March 16, 2017. Counsel filed the initial brief of appellant and designation of matter in State v. Ricky Santoine Henley with this Court on March 15, 2017. Counsel prepared and submitted the proposed order in State v. Ronald Mack to the Honorable Michael G. Nettles on March 14, 2017. Counsel filed the petition for writ of certiorari in Joshua Brookins v. State with the Supreme Court on March 8, 2017. 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 Rashacen Evans v. State with the Supreme Court on January 20, 2017.

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.

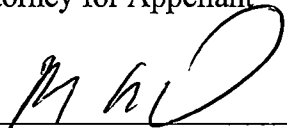
5. Counsel for the Attorney General's office consents to this request shown by signature below.

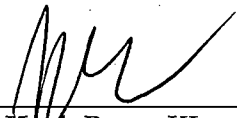
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until April 19, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

  
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Laura R. Baer  
Appellate Defender

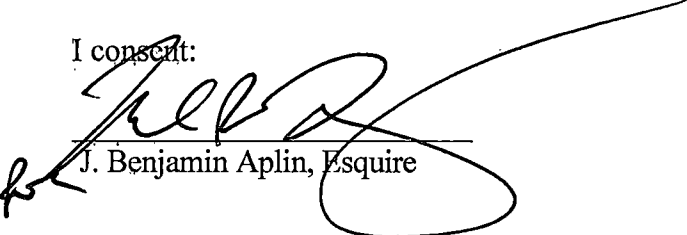
Attorney for Appellant

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

  
\_\_\_\_\_  
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 20th day of March, 2017.

I consent:

  
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J. Benjamin Aplin, Esquire