

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Aiken County

Honorable Tanya A. Gee, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF ROY LEE WADE,

APPELLANT,

APPELLATE CASE NO. 2015-001939

RECEIVED

MAR 27 2017

MOTION FOR EXTENSION OF TIME
TO FILE THE RECORD ON APPEAL

SC Court of Appeals

The undersigned counsel respectfully requests a **seven-day extension until April 3, 2017**, in which to file the Record on Appeal in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The Record on Appeal in this case is due to be served and filed today.
2. The initial brief of appellant in this case, filed September 16, 2016, raised four issues of ineffective assistance of SVP counsel. Recently, on February 15, 2017, our Supreme Court filed its opinion in In re Chapman, No. 2014-001181, 2017 WL 606506 (S.C. Feb. 15, 2017), holding that the statutory right to counsel in SVP proceedings includes the right to effective assistance of counsel but ruling that such claims should be raised in a state habeas proceeding.
3. Counsel is meeting with Mr. Wade on Tuesday, March 28, 2017 – the first appointment available – and anticipates that Mr. Wade will likely drop his direct appeal so that he can begin the habeas process as soon as possible. It would then become unnecessary to expend time and resources to file the Record on Appeal in this matter.

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

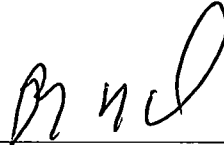
4. Counsel has contacted the attorney for the state, Deborah R.J. Shupe, Esquire, who indicated her consent to this request for extension.

WHEREFORE, the undersigned counsel would respectfully request a **seven-day extension until April 3, 2017**, to file the Record on Appeal. Counsel respectfully requests that the time limits for filing the Record on Appeal be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Laura R. Baer
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

March 27, 2017

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CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the Record on Appeal in the above case has been served upon Deborah R.J. Shupe, Esquire, Assistant Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 27th day of March, 2017.



Laura R. Baer
Appellate Defender

ATTORNEY FOR RESPONDENT

SWORN TO BEFORE ME this 27th day
of March, 2017.

Maria Mendel (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023

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