

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenville County

Honorable James R. Barber, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

APR 05 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GERALD DWAYNE POWELL,

APPELLANT

APPELLATE CASE NO. 2016-001574  
\_\_\_\_\_

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

Counsel for Gerald Dwayne Powell respectfully requests an extension of a **final thirty (30) days, until May 5, 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 Gerald Dwayne Powell respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

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

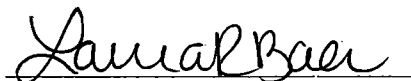
3. Counsel filed the initial brief of appellant in State v. Robert Graham with this court on April 4, 2017. Counsel filed the initial brief of appellant in State v. Kevin Lamar Gary with this court on, March 29, 2017. Counsel filed the petition for writ of certiorari in State v. David Glover with the Supreme Court on March 27, 2017. Counsel filed the return to petition for writ of certiorari in State v. Norman Mitchell with the Supreme Court on March 23, 2017. 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.

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.

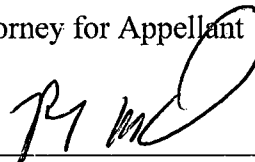
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until May 5, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



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 5th day of April, 2017.

I consent:

  
for Mark Farthing, Esquire