

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

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MAR 29 2017

SC Court of Appeals

Appeal from Sumter County
Honorable William Jeffrey Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ARSENIO D. COLCLOUGH,

APPELLANT

APPELLATE CASE NO. 2016-000724

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

Counsel for appellant respectfully requests a **final twenty-nine day extension, until April 27, 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 respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. *Counsel regrets having to request this extension and will make every effort to file the brief prior to the twenty-nine day deadline. Counsel regrets having to make this final extension request, but it is absolutely necessary.*
3. Counsel made two presentations at the Investigators Conference on March 23-24, 2017, in Myrtle Beach. Counsel has been interviewing potential candidates in order to fill two open positions.

Counsel is preparing the petition for rehearing in the case of State v. Joshua Griffith. Counsel is preparing for an oral argument in the case of State v. Sandy Lynn Westmoreland with the Court of Appeals on April 12, 2017. Counsel is also preparing for an oral argument in the case of Marion Bowman v. State with the Supreme Court on April 13, 2017. On March 22, 2017, counsel had an oral argument in the case of The State v. Harold Bennon Cartwright, III, before the Supreme Court. On March 20, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Stanley Miller with this Court. On March 15, 2017, counsel filed the initial brief of appellant and designation of matter in the SVP case of In the Matter of the Care and Treatment of John Henry Dorsey with this Court. On March 10, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. John M. Ghent, Jr. with this Court. On March 9, 2017, counsel, along with co-counsel, Lara M. Caudy, filed the reply brief of petitioner in the case of The State v. Ryan P. Deleston with the Supreme Court. 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 26th 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. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training three new appellate defenders and reading all of their writings.**

4. Counsel makes this request in good faith and not for purpose of delay. Counsel is working first on cases that have been extended more than three times in an effort to make his caseload more manageable and reduce the number of extensions in the future.

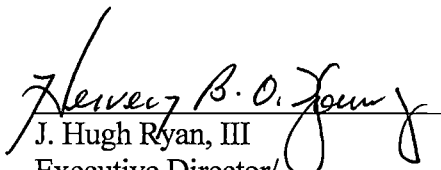
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final twenty-nine day extension until April 27, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will endeavor to file the brief before the deadline if at all possible.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender



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

This 29th day of March, 2017.

I consent:



J. Benjamin Aplin, Esquire