

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

\_\_\_\_\_  
Certiorari to Florence County

Honorable R. Knox McMahon, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

APR 07 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CORY NETTLES ALLEN,

APPELLANT

APPELLATE CASE NO. 2016-000686  
\_\_\_\_\_

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

Counsel for Cory Nettles Allen respectfully requests a **final** thirty (30) day extension, **until May 8, 2017**, in which to file the Initial Brief of Appellant and Designation of Matter in this case **and plans to file early if at all possible**. 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 her caseload, counsel hopes that no further extension requests will be required.

3. **An issue of after-discovered evidence has arisen in this case that counsel has been discussing with appellant's trial lawyer regarding a potential motion to suspend the appeal and remand for a hearing on after-discovered evidence.** Today, April 7, 2017, counsel is filing the initial brief of appellant and designation of matter in the murder cases of The State v. Tyrone Quick and the case of The State v. Teresa Ann McCracken-Hall with this Court. On April 4, 2017, counsel, was co-counsel to, Laura M. Baer, when they filed the initial brief of appellant and designation of matter in the case of The State v. Robert Graham with this Court. Counsel has been preparing for an oral argument in the case of The State v. Sandy Lynn Westmoreland that will be held with this Court on April 12, 2017. Counsel is also preparing for an oral argument in the case of Marion Bowman v. The State that will be held with the Supreme Court on April 13, 2017. On March 31, 2017, counsel filed the reply in support of petition for a writ of certiorari in the case of Bryan Rearick v. State with the U.S. Supreme Court. On March 30, 2017, counsel filed the petition for rehearing in the case of State v. Joshua Griffith with this Court. 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 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. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and, training four less experienced appellate defenders, and interviewing for open positions.**

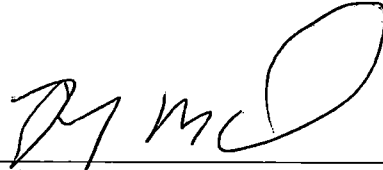
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

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 May 8, 2017**, in which to file the initial brief of appellant and designation of

matter in this case based upon the above exigent circumstances and will file before the deadline if possible.

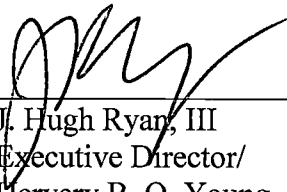
Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant

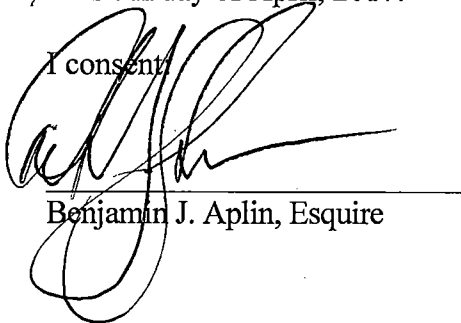


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J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 7th day of April, 2017.

I consent



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Benjamin J. Aplin, Esquire