

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from York County

Honorable Frank R. Addy, Circuit Court Judge

RECEIVED

APR 14 2017

SC Court of Appeals

THE STATE,

RESPONDENT

V.

GERALD AKEEM GADSDEN

APPELLANT

APPELLATE CASE NO. 2016-000035

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

Counsel for Gerald Gadsden respectfully requests a **final ten (10) day extension, until April 24, 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 fifth 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 four previous extensions.
2. Counsel for Gerald Gadsden respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Counsel for appellant had an oral argument in the Supreme Court on Thursday in the case of State v. James Allen Johnson that

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required significant preparation time. Counsel also was second chair in the **death penalty case** of Marion Bowman v. State which was also argued on Thursday at the Supreme Court by the Chief Appellate Defender and counsel was heavily involved in the preparation for that argument. Counsel is scheduled for oral argument in this Court in the case of State v. Lorenzo Young on Monday, April 17, 2017, and the record in that case exceeds 1,600 pages. Furthermore, appellant's case contains two legal issues that both require thorough legal research. **Counsel will make every effort to file this brief and designation of matter early if possible.**

3. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Lee Dell Bradley with this Court on March 31, 2017. Counsel filed the Petition for Writ of Certiorari in the case Joseph Pettigrew Sanders, IV, v. State with the Supreme Court on March 20, 2017. Counsel had an oral argument in the case State v. Gerald R. Williams before this Court on March 14, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case Jason Shane Lawson v. State with the Supreme Court on March 8, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Brandon A. Davis v. State with the Supreme Court on March 7, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Billy Lemurces Taylor with this Court on February 27, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Michael Antwon Fuller with this Court on February 27, 2017. Counsel filed the petition for writ of certiorari in the case of Terrell Addison v. State with the Supreme Court on February 27, 2017. Counsel filed the petition for writ of certiorari in the case of Charlie G. Wood v. State with the Supreme Court on February 17, 2017.

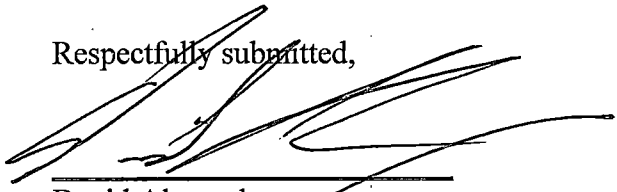
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will

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.

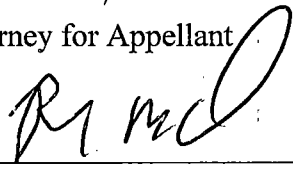
WHEREFORE, the undersigned counsel would respectfully request a **final ten (10) day extension until April 24, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

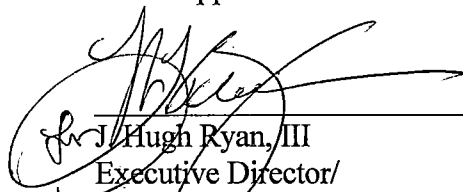


David Alexander  
Appellate Defender

Attorney for Appellant



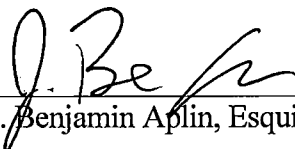
Robert M. Dudek  
Chief Appellate Defender



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 14th day of April, 2017.

I consent:



J. Benjamin Aplin, Esquire