

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Lexington County

Honorable Alison Renee Lee, Circuit Court Judge

RECEIVED

APR 24 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

AUSTON BREAZEAL,

APPELLANT

APPELLATE CASE NO. 2016-001780

PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Stephon Robinson with the Supreme Court on April 21, 2017. Counsel filed the petition for writ of certiorari in Harry Lawrence Anthony v. State with the Supreme Court on April 20, 2017. Counsel filed the petition for rehearing In the matter of the care and treatment of Calvin Joe Miller with this court on April 13, 2017. Counsel filed the initial brief of appellant in State v.




Branden Joshua Kirby with this court on April 11, 2017. Counsel filed the initial reply brief in State v. Richard Capell with this court on April 6, 2017. Counsel filed the petition for writ of certiorari in Stevie Aiken v. State with the Supreme Court on April 6, 2017. 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 Normal Mitchell v. State 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.


3. This request is made in good faith, and not for purposes of delay.
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



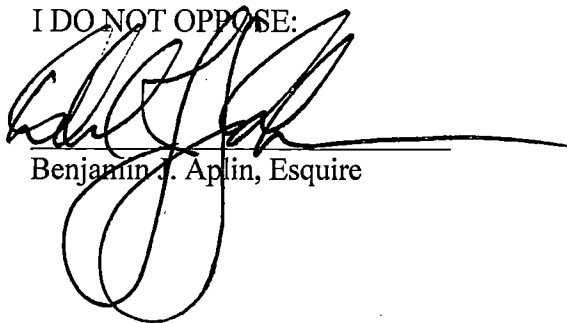
Laura R. Baer
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

April 24, 2017

I DO NOT OPPOSE:



Benjamin J. Aplin, Esquire