

5

3rd AFB due 5/8/17

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable John C. Hayes, III, Circuit Court Judge

RECEIVED

MAY 08 2017

SC Court of Appeals

IN THE MATTER OF THE CARE AND
TREATMENT OF HERMAN LEE ARCHIE,

APPELLANT

APPELLATE CASE NO. 2016-002128

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 brief of petitioner with the Supreme Court in the case of State v. Gerald Barrett with the Supreme Court on May 4, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Gerald Gadsden with this Court on April 24, 2017. Counsel had an oral argument in the case of State v. Lorenzo Young on April 17, 2017, before this Court. Counsel also was second chair in the **death penalty case** of Marion Bowman v. State

J

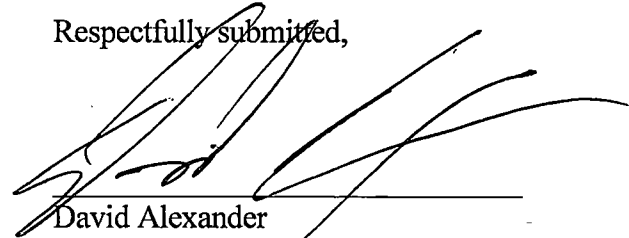
which was argued on April 13, 2017, at the Supreme Court by the Chief Appellate Defender and counsel was heavily involved in the preparation for that argument. Counsel had an oral argument in the case of State v. James Allen Johnson before the Supreme Court on April 13, 2017. Counsel filed the initial 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.

3. This request is made in good faith, and not for purposes 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.

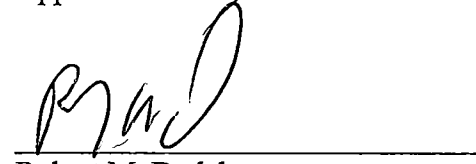
4. As indicated by the consent below, counsel for the state graciously consents to or does not oppose this request.

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,



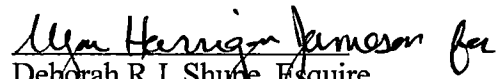
David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

May 8, 2017

I do not oppose:



Deborah R.J. Shupe, Esquire