

 ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Chester County  
Paul M. Burch, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

MAY 08 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MARQUAVIOUS MOORE,

APPELLANT

APPELLATE CASE NO. 2016-001429  
\_\_\_\_\_

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

The undersigned counsel would respectfully request a **final twenty-day extension until May 30, 2017** 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 exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by four prior orders of this Court.
2. Appellant was initially tried in April 2016. This trial ended in a mistrial. The transcript is 958 pages. Appellant's case was called to trial again on June 27, 2016. The transcript

is 801 pages. During the second trial, the parties incorporated portions of the first trial into the record, including a hearing pursuant to the Protection of Property and Persons Act. Undersigned counsel has worked diligently to read the transcripts of the trials, but has been unable to do so due to other priorities, including two oral arguments and the filing of a brief in a different case last week. Finally, undersigned counsel has had difficulty obtaining necessary exhibits from the Clerk of Court. This task has been complicated by the fact that the first trial was held in Fairfield County, but the second trial was held in Chester County. When the first trial ended in a mistrial, the Clerk of Court permitted the parties and others to retrieve the exhibits. Some of those exhibits were used in the second trial, but others were not.

3. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Valentino Hayward in this Court on May 4, 2017. Counsel argued in the case of State v. Shane Burdette in this Court on May 1, 2017. Counsel argued in the case of State v. Tyrel Collins in the Supreme Court on May 2, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Eric Darien v. State in the Supreme Court on April 24, 2017. Counsel filed the brief of petitioner in the case of Michael Lee Robinson v. State in the Supreme Court on April 21, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Michael Tompai v. State in the Supreme Court on April 19, 2017. Counsel argued in the case of State v. Marvin Brown in this Court on April 18, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Melvin Durant in this Court on April 11, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Mykel Johnson v. State in the Supreme Court on April 6, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Carrie Callaham v. State in the Supreme Court on March 30, 2017. Counsel filed the Anders

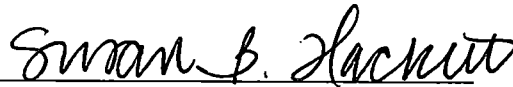
brief of appellant and Record on Appeal in the case of State v. Mark Allen Bradberry in this Court on March 29, 2017. Counsel filed the return to petition for writ of certiorari to this Court in the case of State v. Devin Johnson in the Supreme Court on March 28, 2017. Counsel filed the petition for writ of certiorari to this Court in the case of State v. Wayne Gary Polite in the Supreme Court on March 27, 2017. Counsel filed the initial reply brief of appellant and designation of matter in the case of State v. John Kenneth Massey in this Court on March 16, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix and the brief pursuant to White v. State in the case of William McCladdie v. State in the Supreme Court on March 13, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Brian Evans v. State in the Supreme Court on March 8, 2017.

4. This request is made in good faith, and not for purposes of delay.

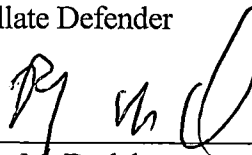
5. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final twenty-day extension until May 30, 2017** in which to file the initial brief of appellant and designation of matter in this case. Counsel 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,



Susan B. Hackett  
Appellate Defender

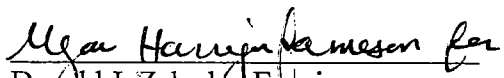


Robert M. Dudek  
Chief Appellate Defender

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

May 8, 2017

I DO NOT OPPOSE:

  
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Donald J. Zelenka Esquire