

4th AFB due 5/12/17

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 12 2017

SC Court of Appeals

Appeal from Spartanburg County

Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KASEY MARIE GILBERT,

APPELLANT

APPELLATE CASE NO. 2016-002139

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

Counsel for Kasey Marie Gilbert respectfully requests a fourth extension of thirty (30) days, **until June 12, 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. 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 Kasey Marie Gilbert 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 his caseload, counsel hopes that no further extension requests will be required.

3. Counsel is preparing the initial brief of appellant and designation of matter in the murder case of The State v. Royres Antwon Patterson that will be filed today, May 12, 2017, with this Court. Counsel prepared the preserving the record for appeal exercises and a power point on Rules of Evidence Issues and Error Preservation for the three day Public Defense 103 training from May 1-3, 2017, in Greenville, South Carolina where he serves on the faculty. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Cory Nettles Allen with this Court on May 8, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Arsenio D. Colclough with this Court on April 28, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Allen Rauch v. The State with the Supreme Court on April 24, 2017. On April 17, 2017, counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Jalann Williams with the Supreme Court. On April 13, 2017, counsel had an oral argument in the death penalty case of Marion Bowman v. The State before the Supreme Court. On April 12, 2017, counsel had an oral argument in the murder case of The State v. Sandy Lynn Westmoreland before this Court. On April 7, 2017, counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tyrone Quick with this Court. On April 7, 2017, counsel filed the initial brief of appellant and designation of matter in 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. 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

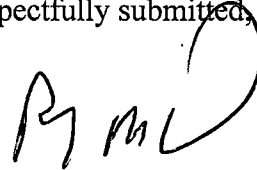
the petition for rehearing in the case of State v. Joshua Griffith with this Court. On March 22, 2017, counsel had an oral argument in the case of The State v. Harold Bennon Cartwright, III, before the Supreme Court. On March 20, 2017, counsel filed the initial brief of appellant and designation of matter 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. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training two 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.

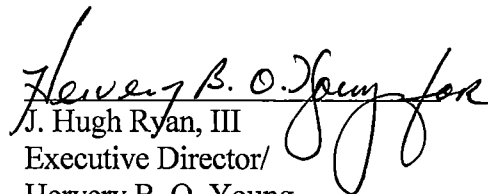
WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension, **until June 12, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

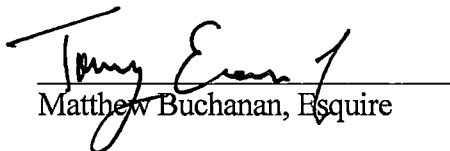
Attorney for Appellant



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 12th day of May, 2017.

I consent:



Matthew Buchanan, Esquire