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MAY 19 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Anderson County

Honorable R. Scott Sprouse, Circuit Court Judge

STATE,

RESPONDENT,

V.

HOMER ARTHUR JAMES,

APPELLANT

APPELLATE CASE NO. 2016-002046

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

Counsel for Homer Arthur James respectfully requests a **fourth and final** extension of thirty (30) days **until June 19, 2017**, days 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 fourth 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 three previous extensions.

2. Counsel for Homer Arthur James respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

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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 filing the initial brief of appellant in the case of In The Matter of the Care and Treatment of David A. Ward with this Court today, May 19, 2017. Counsel is filing the initial brief of appellant in the case of In the Matter of the Care and Treatment of Frank Saunders with this Court today, May 19, 2017. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of In the Matter of the Care and Treatment of Daryl T. Snow with the Supreme Court on May 16, 2017. Counsel filed the brief of respondent in the case of State v. Brandon Garren with the Supreme Court on May 11, 2017. Counsel filed the brief of petitioner 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 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.

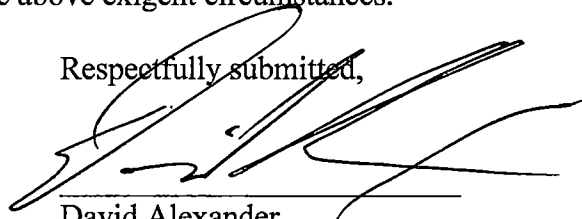
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

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.

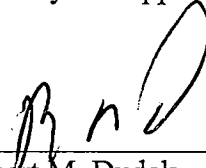
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **June 19, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

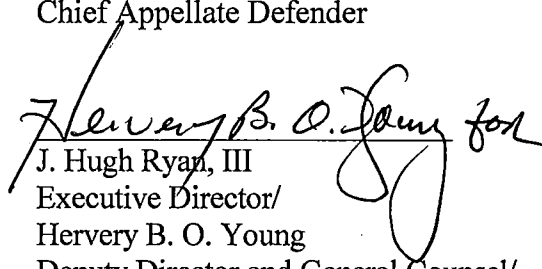


David Alexander
Appellate Defender

Attorney for Appellant



Robert M. Dudek
Chief Appellate Defender



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

This 19th day of May, 2017.

I consent:



J. Benjamin Aplin, Esquire