

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAY 24 2017

SC Court of Appeals

Appeal from Lexington County

Honorable Alison Renee Lee, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

AUSTON BREAZEAL,

APPELLANT

APPELLATE CASE NO. 2016-001780

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

Counsel for Auston Breazeal respectfully requests an extension of a **final thirty (30) days, until June 23, 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. 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 Auston Breazeal respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

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previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

3. Counsel will file the return to petition for writ of certiorari to the Court of Appeals in State v. Stephon Robinson with the Supreme Court today, May 24, 2017. Counsel will file the Johnson petition for writ of certiorari in the case of Darrin Graham v. State with the Supreme Court today, May 24, 2017. Counsel filed the petition for writ of certiorari in Kevin Casey v. State with the Supreme Court on May 17, 2017. Counsel filed the initial brief of appellant in State v. Patrick McGowan with this Court on May 11, 2017. Counsel filed the initial brief of appellant in State v. Gerald D. Powell with this Court on April 28, 2017. 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.

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.

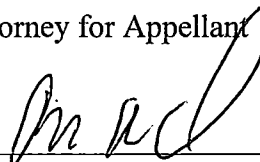
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until June 23, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

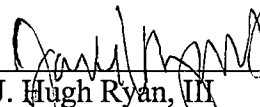


Laura R. Baer
Appellate Defender

Attorney for Appellant



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

This 24th day of May, 2017.

I consent:



J. Benjamin Aplin, Esquire