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ORIGINAL
3rd AFB due 5/26/17

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Union County
Honorable John C. Hayes, Circuit Court Judge

RECEIVED

MAY 26 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

KEVIN BOYTER,

APPELLANT

Appellate Case No. 2016-002375

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

Counsel for Kevin Boyter respectfully requests an extension of thirty (30) days, **until June 26, 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 third 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.
2. Counsel for Kevin Boyter respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time.
3. Counsel is preparing to file the initial brief of appellant and designation of matter in the case of The State v. Antonio Dontae Ross with this Court today, May 26, 2017. Counsel filed



the initial brief of appellant and designation of matter in the case of The State v. Tashon Earl Hurell with this Court on May 19, 2017. Counsel filed the petition for rehearing in the case of The State v. Shannon Scott with this Court on May 18, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Calvert Myers with the Supreme Court on May 16, 2017. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Royres Antwon Patterson with this Court on May 12, 2017. 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 prepared the preserving the record for appeal exercises and a power point on Rules of Evidence Issues and Error Preservation, and was on the faculty of the Public Defense 103 training from May 1-3, 2017, in Greenville, South Carolina. 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

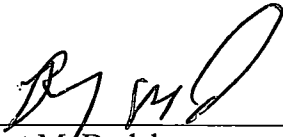
in support of petition for a writ of certiorari in the case of Bryan Rearick v. State with the U.S. Supreme Court. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training two less experienced appellate defenders and interviewing for open positions.**

4. Counsel makes this request in good faith and not for purpose of delay. Counsel is working first on cases that have been extended three times in an effort to make his caseload more manageable and reduce the number of extensions in the future.

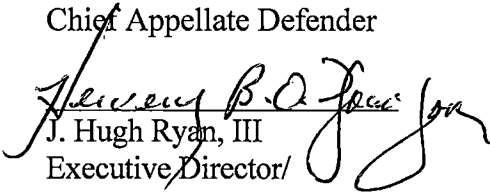
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until June 26, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



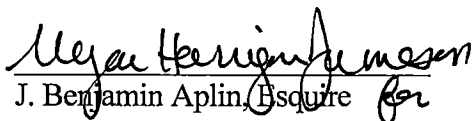
Robert M. Dudek
Chief Appellate Defender



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 26th day of May, 2017.

I consent:



J. Benjamin Aplin, Esquire *for*