

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED

Appeal from Orangeburg County

JUN 05 2017

Honorable Maite Murphy, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DANIEL CALEB BRAXTON,

APPELLANT

APPELLATE CASE NO 2016-002341

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

Counsel for appellant respectfully requests an extension of thirty (30) days, **until July 5, 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. The Court has granted counsel two previous extensions.

2. Counsel for appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously

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

3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Carmine Miranda in the Court of Appeals on May 19, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Ryan Darrell Irby v. The State of South Carolina in the Supreme Court on May 17, 2017. Counsel filed the return to the state's motion to dismiss DNA appeal for lack of jurisdiction in the case of The State v. Bernardo J. Evans in the Court of Appeals on May 15, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kinjta Kadeem Sadler v. The State of South Carolina in the Supreme Court on May 1, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Michael Christopher Kennedy v. The State of South Carolina in the Supreme Court on April 27, 2017. Counsel filed the brief of petitioner in the case of The State v. James Clyde Dill, Jr. in the Supreme Court on April 24, 2017. Counsel filed the petition for rehearing in the case of The State v. David Lee Walker in the Court of Appeals on May 2, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Kinjta Kadeem Sadler v. The State of South Carolina in the Supreme Court on May 1, 2017. Counsel filed the brief of petitioner in the case of The State v. James Clyde Dill, Jr. in the Supreme Court on April 24, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of In the Interest of Tyrelle R. with the Court of Appeals on April 12, 2017. Counsel held an oral argument in the case of The State v. John William Dobbins in the Court of Appeals on April 11, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Joe Ross Worley with the Court of Appeals on April 10, 2017.

4. Counsel makes this request in good faith and not for purpose of delay.

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

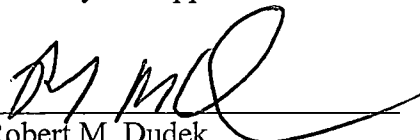
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until July 5, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



John H. Strom  
Appellate Defender

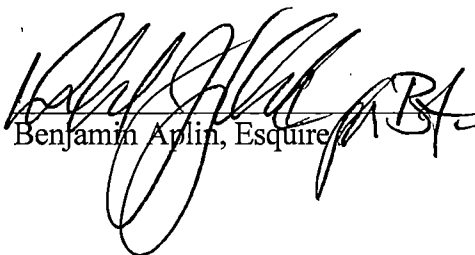
Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender

This 5<sup>th</sup> day of June, 2017.

I consent:



Benjamin Aplin, Esquire