

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Hampton County

Honorable Thomas W. Cooper, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

JUN 07 2017

SC Court of Appeals

STATE,

RESPONDENT,

V.

LARRY HEYWARD,

APPELLANT

APPELLATE CASE NO. 2016-002128  
\_\_\_\_\_

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

Counsel for Larry Heyward respectfully requests a **fourth and final** extension of thirty (30) days **until July 7, 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 Larry Heyward 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 his caseload, counsel hopes that no further extension requests will be required.

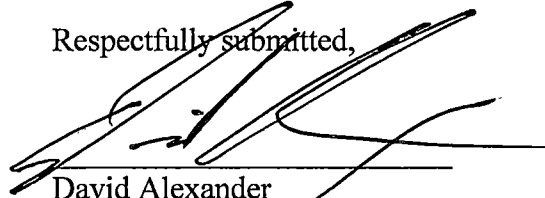
3. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Rodney Ladson v. State with the Supreme Court on May 30, 2017. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Vincent Missouri v. State with the Supreme Court on May 26, 2017. On May 22, 2017, counsel traveled to Horry County to appear as a witness pursuant to a subpoena in a PCR action. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Frank Saunders with this Court on May 19, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of In The Matter of the Care and Treatment of David A. Ward with this Court on 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.

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.

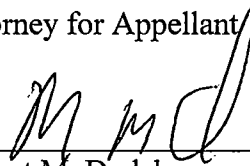
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **July 7, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

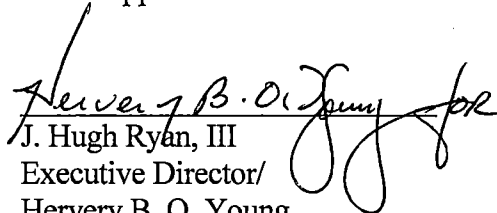


David Alexander  
Appellate Defender

Attorney for Appellant



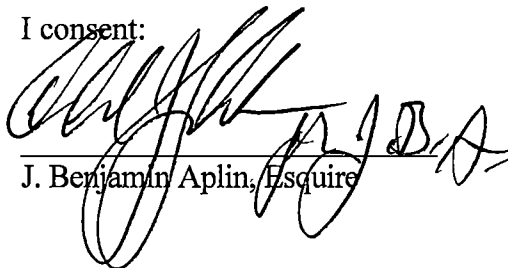
Robert M. Dudek  
Chief Appellate Defender



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 7th day of June, 2017.

I consent:



J. Benjamin Aplin, Esquire