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4th AZB June 6/26/17

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

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JUN 26 2017

SC Court of Appeals

Appeal from Union County

Honorable John C. Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KEVIN LEE 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 Lee Boyter respectfully requests a fourth extension of thirty (30) days, **until July 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. 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 Lee Boyter respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the 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 filed the petition for stay of execution in the death penalty case of The State v. Ricky Lee Blackwell with the Supreme Court on June 15, 2017. Counsel filed the motion to unseal the briefs and the record on appeal in the death penalty case of The State v. Ricky Lee Blackwell with the Supreme Court on June 15, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jacob Michael Hendricks with this Court on June 14, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of In the Interest of: Dillon H., a Juvenile Under the Age of Seventeen with this Court on June 5, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Antonio Ross with this Court on 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 has extensive administrative duties as the Chief Appellate**

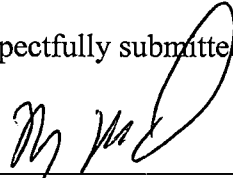
Defender, including administrative and Appellate Project oversight, and training two less experienced appellate defenders and interviewing for open positions.

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

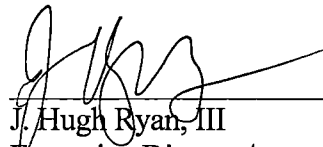
WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension, **until July 26, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

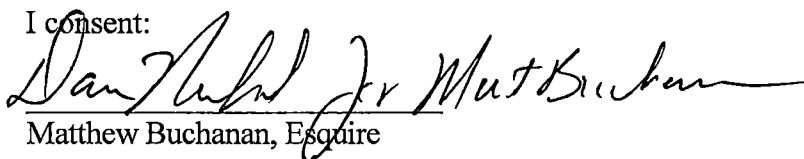
Attorney for Appellant



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 June, 2017.

I consent:



Matthew Buchanan, Esquire