

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Lexington County

Honorable Eugène C. Griffith, Circuit Court Judge

RECEIVED

JUN 26 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CLARENCE DUANE ABNEY,

APPELLANT

APPELLATE CASE NO 2016-002394

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 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. 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



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

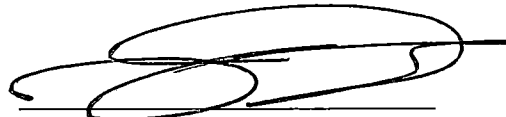
3. Counsel held an oral argument in the case of Shawn Lee Wyatt v. The State of South Carolina in the Supreme Court on June 14, 2017. Counsel held an oral argument in the case of The State v. John Arthur Thomas in the Court of Appeals on June 8, 2017. Counsel held an oral argument in the case of The State v. Lance Miles in the Court of Appeals on June 7, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Ricky Tate v. The State of South Carolina in the Supreme Court on June 5, 2017. 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.

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.

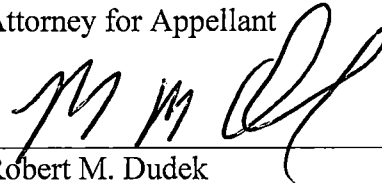
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until July 26, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held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

Respectfully submitted,



John H. Strom  
Appellate Defender


Attorney for Appellant



Robert M. Dudek  
Chief Appellate Defender

This 26<sup>th</sup> day of June, 2017.

I consent:

  
Benjamin Aplin, Esquire