

44h AFB due 8/2/17

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Laurens County
Frank R. Addy, Circuit Court Judge

RECEIVED

AUG 02 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DESHANNDON MARKELLE FRANKS,

APPELLANT

APPELLATE CASE NO. 2016-002244

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

Counsel for Deshanndon Markelle Franks respectfully requests an extension of **thirty (30) days, until September 1, 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 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.
2. Counsel for Deshanndon Markelle Franks 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 initial brief of appellant and designation of matter in the case of The State v. Kevin Lee Boyter with this Court on July 26, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Crystal Garner with this Court on July 26, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Wallace Eugene Evatt, Jr. v. The State with the Supreme Court on July 24, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Kasey Marie Gilbert with this Court on July 18, 2017. Counsel filed the brief of appellant pursuant to White v. State and the petition for writ of certiorari in the case of Shonta Helton v. The State with the Supreme Court on July 14, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of The State v. Joshua Griffith with the Supreme Court on July 5, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tekysha Cohen with this Court on June 30, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jayquan Wilmore with this Court on June 29, 2017. Counsel filed the return to motion to stay the scheduling of a petition and return until consideration and ruling on petitioner's Rule 243(C), SCACR explanation in the death penalty case of Brad Keith Sigmon v. The State with the Supreme Court on June 23, 2017. 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 has extensive administrative duties as the Chief Appellate Defender, including administrative and**

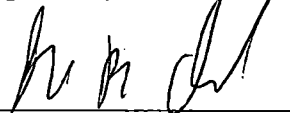
Appellate Project oversight, and training two less experienced appellate defenders and interviewing for open positions.

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.

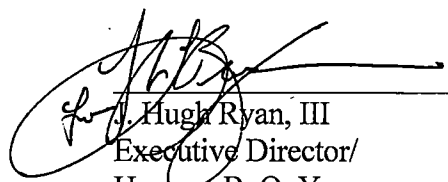
WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension, until September 1, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

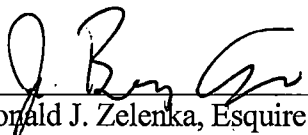
Attorney for Appellant



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 2nd day of August, 2017.

I consent:



for Donald J. Zelenka, Esquire