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3rd AFB due 8/4/17

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Edgefield County

Honorable Eugene C. Griffith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIMOTHY WAYNE WHEELER,

APPELLANT

APPELLATE CASE NO 2017-000152

RECEIVED

AUG 04 2017

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

SC Court of Appeals

Counsel for appellant respectfully requests an extension of thirty (30) days, **until September 4, 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 filed the petition for rehearing in the case of The State v. Jo Pradubsri in the Court of Appeals on July 25, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Herbie Val Singleton, Jr. in the Court of Appeals on July 19, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ontario Stefon Patrick Makins in the Court of Appeals on July 14, 2017. Counsel filed the return to the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of The State of South Carolina v. Alexander Carmichael Huckabee, III in the Supreme Court on July 11, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Billy Geisendorff in the Court of Appeals on July 7, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Douglas Kelly Phillips in the Court of Appeals on July 5, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Thomas Lewis Bloodsaw v. The State of South Carolina in the Supreme Court on July 3, 2017. Counsel filed the petition for rehearing in the case of The State v. Demario Monte Thompson in the Court of Appeals on June 29, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Raymond Angelo Scott in the Court of Appeals on June 19, 2017. Counsel filed the brief of petitioner and accompanying appendix in the case of Curtis Nealy v. The State of South Carolina in the Supreme Court on June 16, 2017. 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.

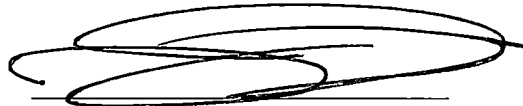
Counsel held an oral argument in the case of The State v. John Arthur Thomas in the Court of Appeals on June 8, 2017. Counsel held an oral argument in the case of The State v. Lance Miles in the Court of Appeals on June 7, 2017.

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.

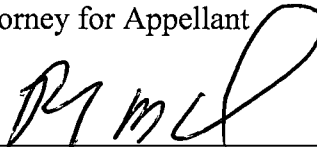
WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, **until September 1, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief 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 4<sup>th</sup> day of August, 2017.

I consent:

  
Benjamin Aplin, Esquire