

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenwood County

Honorable Donald B. Hocker, Circuit Court Judge

ORIGINAL  
RECEIVED

AUG 11 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

EARNEST EDWARD VAUGHN, SR.,

APPELLANT

APPELLATE CASE NO 2016-002300

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

Counsel for appellant respectfully requests a **fifth and final five (5) day extension until August 16, 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. The Court has granted counsel four previous extensions.
2. Counsel for appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **Counsel was on vacation in Mexico and scheduled to be back in the office on August 11, 2017. During the vacation he contracted**



**an illness and will require additional leave. He is therefore unable to complete the brief today, and will complete it upon his return.**

3. Counsel filed the petition for writ of certiorari in Dennis Temple v. State with the Supreme Court on August 2, 2017. Counsel filed the petition for rehearing in the case of The State v. John William Dobbins with the Court of Appeals on July 27, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Evelyn Christine Nixon with the Court of Appeals on July 26, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Ronald Douglas Michaux, Jr. with the Court of Appeals on July 24, 2017. Counsel filed the petition for writ of certiorari in Joshua David Crosby v. State with the Supreme Court on July 21, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Latique Kareem Bracey with 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. Thomas Dukes with the Court of Appeals on June 26, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Janoblin Maurice Bracey-Brown with the Court of Appeals on May 8, 2017. Counsel filed the petition for writ of certiorari in Gregory Allan Ivery v. State with the Supreme Court on April 24, 2017. Counsel filed the petition for writ of certiorari in Christopher Poage v. State with the Supreme Court on April 24, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Eriva Youmous v. State of South Carolina with the Supreme Court on April 14, 2017. Counsel held an oral argument in the case of The State v. Demario Thompson in the Court of Appeals on April 11, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Tyrik Bright v. State of South Carolina with the Supreme Court on April 6, 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.

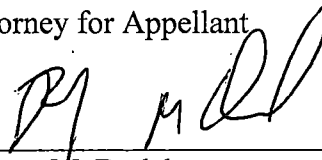
WHEREFORE, the undersigned counsel would respectfully request **a final five (5) day extension until August 16, 2017** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

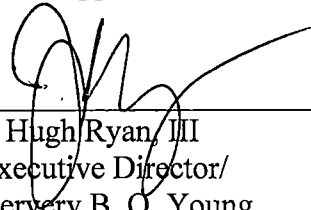


Taylor D. Gilliam  
Appellate Defender

Attorney for Appellant




Robert M. Dudek  
Chief Appellate Defender



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 11<sup>th</sup> day of August, 2017.

I consent:



for Benjamin Aplin, Esquire