

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

R. Knox McMahon, Circuit Court Judge

ORIGINAL

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SEP 12 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL SCOTT SIMMONS,

APPELLANT

APPELLATE CASE NO. 2016-001975

**PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER**

The undersigned counsel respectfully requests a **final twenty-day extension until October 2, 2017**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. Although counsel is requesting a twenty-day extension, counsel will make every effort to file the brief prior to the expiration of twenty-days. In fact, counsel has read the entire transcript and has written most of the brief. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by four prior orders of this Court.

2. On September 4, 2017, counsel's mother died unexpectedly. Her death necessitated counsel's absence from work during the week of September 4, 2017.

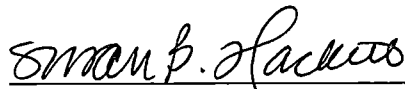
3. Although counsel prepared the petition for writ of certiorari and accompanying appendix in the case of Kadeem Johnson v. State prior to leaving the office on September 1, 2017, another member of counsel's office reviewed the petition for typographical errors and signed the petition on counsel's behalf in order for it to be filed in the Supreme Court on September 5, 2017. This was due to the death of counsel's mother as previously explained. Counsel filed the initial brief of respondent and designation of matter in the case of State v. Jamie Simpson in the Court of Appeals on August 31, 2017. Counsel filed the petition for rehearing in the case of State v. Jake Lake in the Court of Appeals on August 29, 2017. Counsel filed the initial reply brief of appellant in the case of State v. Robert Davis Smith in the Court of Appeals on August 17, 2017. Counsel filed the reply to return to petition for writ of certiorari in the case of William McCladdie v. State in the Supreme Court on August 4, 2017. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Keylan Durham in the Court of Appeals on August 3, 2017. Counsel spoke at the Summary Court Judge's Orientation on July 27, 2017. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Robert Reeves in the Court of Appeals on July 26, 2017. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Michael Paul Buckmon in the Court of Appeals on July 25, 2017. Counsel represented Thomas Shewtzuk at the reconstruction hearing in the case of State v. Thomas Robert Shewtzuk at the Dorchester County Courthouse on July 17, 2017. Counsel filed the return to motion to dismiss in the case of State v. Jake Lake in the Court of Appeals on July 20, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Anthony Chapman v. State in the Supreme Court on July

17, 2017. Counsel filed the petition for rehearing in the case of State v. Dennis E. Cervantes-Pavon in the Court of Appeals on July 13, 2017.

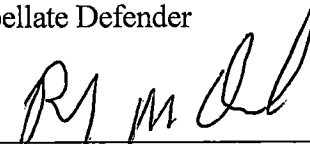
4. This request is made in good faith, and not for purposes of delay.
5. As indicated below, counsel for the state graciously consents to this request.

WHEREFORE, the undersigned counsel would respectfully request a **final twenty-day extension until October 2, 2017**, in which to file the initial brief of appellant and designation of matter in this case. Counsel requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

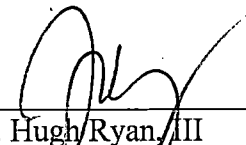
Respectfully submitted,



Susan B. Hackett
Appellate Defender



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

August 12, 2017

I CONSENT:



J. Benjamin Aplin, Esquire