

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
William H. Seals, Circuit Court Judge

THE STATE,

V.

JAMES JOHN ABERNATHY,

ORIGINAL
RECEIVED
OCT 23 2017
SC Court of Appeals
RESPONDENT,

APPELLANT

APPELLATE CASE NO. 2017-000283

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

Counsel for James John Abernathy respectfully requests a **fourth and final** extension of thirty days **until November 22, 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 three previous extensions.
 2. Counsel for James John Abernathy respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the
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number of extensions previously granted and the order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required.

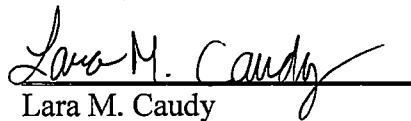
3. On October 16, 2017, counsel filed the return to the petition for writ of certiorari in Alexander Ruiz v. The State with the Supreme Court. On October 9, 2017, counsel filed the petition for writ of certiorari and accompanying appendix in John Hogan v. The State with the Supreme Court. On October 5, 2017, counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in In the Matter of the Care and Treatment of Carl Matthew Asquith with the Supreme Court. On September 25-27, 2017, counsel attended the Annual Public Defender Association Conference in Myrtle Beach. On September 22, 2017, counsel, along with co-counsel, filed the initial brief of appellant and designation of matter in The State v. Bennie Ray Brown, Jr. with the Supreme Court. On September 21, 2017, counsel filed the brief of petitioner in The State v. Roy Lee Jones with the Supreme Court. On September 20, 2017, counsel filed the petition for writ of certiorari and accompanying appendix in Brett Howard v. The State with the Supreme Court. On September 18, 2017, counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in The State v. Wayland Purnell with the Supreme Court. On September 8, 2017, counsel filed the petition for writ of certiorari, accompanying appendix, and brief of appellant pursuant to White v. State in Gregory Murphy v. State with the Supreme Court.

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 her 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.

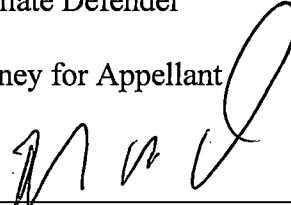
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty day extension** until **November 22, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Lara M. Caudy
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 23rd day of October, 2017.

I consent:


J. Benjamin Aplin, Esquire