

5

6th AFD due 12/11/17

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Charleston County

J.C. Buddy Nicholson, Circuit Court Judge

RECEIVED

DEC 01 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN ANDREW BIGGS,

APPELLANT

APPELLATE CASE NO. 2017-000199

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

Counsel for John Andrew Biggs respectfully requests a **final extension of eleven (11) days, until December 12, 2017**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will make every effort to file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. 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 John Andrew Biggs 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.

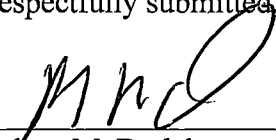
3. Counsel must prepare for two oral arguments next week before this Court: The State v. Devarous S. L. Parks that will be argued in this Court on December 7, 2017, and The State v. Dalonte Green that will be argued in this Court on December 5, 2017. Counsel had to prepare the Appellate Project CLE which was held yesterday, November 30, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Kenny Ruff with this Court on November 28, 2017. Counsel filed the brief of respondent in the case of David Carmichael v. The State with the Supreme Court on November 27, 2017. Counsel filed the brief of petitioner in the case of The State v. Donte Brown with the Supreme Court on November 17, 2017. Counsel had an oral argument in the case of The State v. Elias J. Walker with the Supreme Court on November 15, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Chavias Jahmal Jenkins with this Court on November 9, 2017. Counsel had an oral argument in the case of The State v. Christina Reece with this Court on November 6, 2017. Counsel, along with co-counsel, David Alexander, filed the petition for writ of certiorari to the Supreme Court of the United States in the death penalty case of The State v. Ricky Lee Blackwell on October 27, 2017. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Deshanndon Markelle Franks with this Court on October 13, 2017. **Counsel has extensive administrative duties as the Chief Appellate Defender including administrative and Appellate Project oversight, and training two less experienced appellate defenders.**

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.

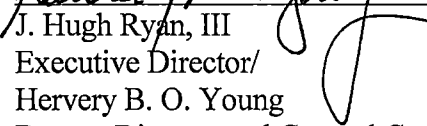
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final eleven (11) day extension until December 12, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above extraordinary circumstances. **Counsel will file before that deadline if possible.** Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



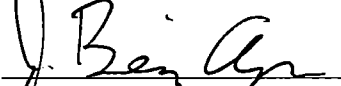
Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervy B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 1st day of December 2017.

I consent:



J. Benjamin Aplin, Esquire