

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County

Honorable J. Derham Cole, Circuit Court Judge

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DEC 13 2017
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DINAL WAYNE KEITH,

APPELLANT

APPELLATE CASE NO. 2017-001088

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

Counsel for Dinal Wayne Keith respectfully requests an extension of a **final thirty (30) days, until January 12, 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 Dinal Wayne Keith 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 her caseload, counsel hopes that no further extension requests will be required.

3. Counsel appeared in general session's court in Richland County for a hearing in State v. Michael A. Smith on December 7, 2017. Counsel filed the initial reply brief in State v. Michael J. Finley with this Court on December 5, 2017. Counsel filed the petition for rehearing in Richard Cappell v. State with this Court on December 5, 2017. Counsel was a guest speaker at the Appellate Practice Project: Presenting Cases to the Appellate Courts seminar in Columbia, South Carolina on November 30, 2017. Counsel filed the petition for rehearing in Esaiueus F. Booker v. State with this Court on November 29, 2017. Counsel filed the petition for writ of certiorari in Abbdul O. Emmaunel v. State with the Supreme Court on November 20, 2017. Counsel filed the Johnson petition for writ of certiorari in Willie Edwards v. State with the Supreme Court on November 17, 2017. Counsel filed the Johnson petition for writ of certiorari in Anthony Q. Robinson v. State with the Supreme Court on November 13, 2017. Counsel filed the petition for writ of certiorari in Juan Nimmons v. State with the Supreme Court on November 6, 2017. Counsel filed the initial brief of appellant in State v. Brian Lewis with this Court on October 31, 2017. Counsel filed the Johnson petition for writ of certiorari in Robert Lee v. State with the Supreme Court on October 25, 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. Counsel is actively working on Keith's case and will make every effort to file the initial brief of appellant as early as possible.

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

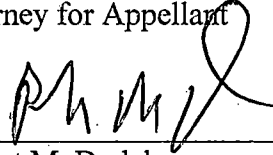
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until January 12, 2017**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

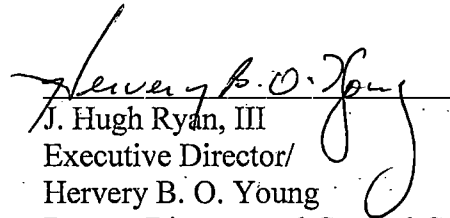


Laura R. Baer
Appellate Defender

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 13th day of December, 2017.

I consent:



J. Benjamin Aplin, Esquire