

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Saluda County

Eugene C. Griffith, Circuit Court Judge

THE STATE,

V.

ANTONIO KENYARDO POSEY,

RESPONDENT

APPELLANT

APPELLATE CASE NO. 2017-000500

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

Counsel for Antonio Kenyardo Posey respectfully requests an extension of **thirty (30) days, until January 15, 2018**, 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 Antonio Kenyardo Posey 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 his caseload, counsel hopes that no further extension requests will be required.

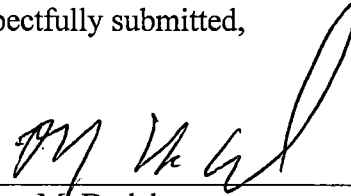
3. Counsel filed the initial brief of appellant in the case of The State v. John Andrew Biggs with this Court December 8, 2017. Counsel had an oral argument in the case of The State v. Dalonte Green with this Court on December 5, 2017. Counsel filed the initial brief of appellant and designation of matter 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 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.

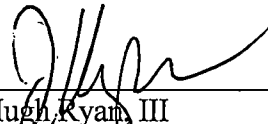
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension, until January 15, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



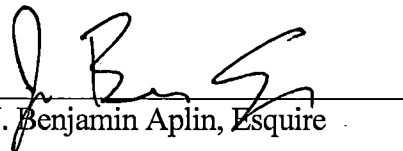
Robert M. Dudek
Chief Appellate Defender



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

This 15th day of December, 2017.

I consent:



J. Benjamin Aplin, Esquire