

444 AFB Dec 12/18/17

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable Carmen T. Mullen, Circuit Court Judge

RECEIVED
DEC 18 2017
SC Court of Appeals
RESPONDENT

IN THE MATTER OF THE CARE AND
TREATMENT OF GERALD BARRETT,

APPELLATE CASE NO. 2017-000085

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

Counsel for Gerald Barrett respectfully requests a **fourth and final** extension of thirty (30) days **until January 17, 2018**, days in which to file the Initial Brief of Respondent 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 respondent and designation of matter are due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Gerald Barrett 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 filed the brief of petitioner in the case of State v. James Kevin Bethel with the Supreme Court on December 15, 2017. Counsel filed the brief of appellant in the case of State v. Jason Scott Morton with this Court on December 7, 2017. Counsel filed the Petition for Writ of Certiorari and accompanying appendix with the Supreme Court in the case of Antrell Rashawn Felder v. State on December 4, 2017. On November 30, 2017, Counsel participated in an Appellate Practice and Advocacy CLE at the Bar Conference Center in Columbia. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of James Gibson with this Court on November 29, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Charles Sullivan with this Court on November 28, 2017. Counsel filed the brief of petitioner in the case of Darrell L. Goss v. State with the Supreme Court on November 20, 2017. On November 15, 2017, counsel had oral arguments before the Supreme Court in the case of State v. Gerald Barrett. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of State v. Lorenzo Bernard Young with the Supreme Court on November 13, 2017. Counsel filed the initial reply brief in the case of State v. Robin Renee Herndon with this Court on November 9, 2017. Counsel had oral arguments before this Court in the case of State v. Bobby Randolph Sims on November 8, 2017. Counsel attended a conference in Boston, Massachusetts on civil commitment for sexual offenders on November 3 – 5, 2017. On November 1, 2017, counsel appeared before the Honorable R. Knox McMahon on a remand from this Court in the case of State v. Courtney L. Price. Counsel filed the petition for rehearing in the case of State v. Vincent Missouri with this Court on October 31, 2017. Counsel filed the brief of respondent in the case of State v. Jimmy Turner with the Supreme Court on October 30, 2017. Counsel assisted Chief Appellate Defender Robert M. Dudek in doing research for the

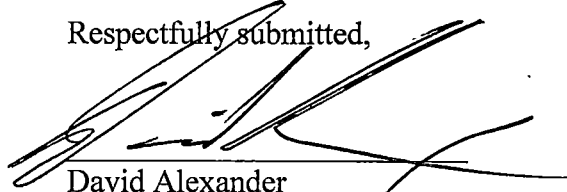
petition for writ of certiorari to the Supreme Court of the United States in the death penalty case of The State v. Ricky Lee Blackwell filed on October 27, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jamal Daniels with this Court on October 23, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Homer Arthur James with this Court on October 20, 2017. Counsel filed the brief of petitioner in the case of State v. Corey Jamal Williams with the Supreme Court on October 9, 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.

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

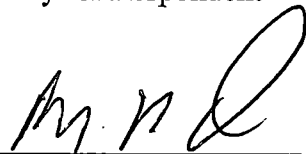
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **January 17, 2018**, in which to file the initial brief of respondent and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

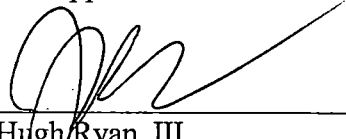


David Alexander
Appellate Defender

Attorney for Respondent



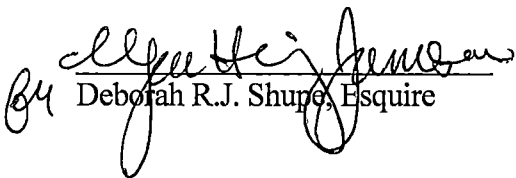
Robert M. Dudek
Chief Appellate Defender



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

This 18th day of December, 2017.

I consent:

By 
Deborah R.J. Shupe, Esquire