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3rd AEB due 1/5/18

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable William Jeffrey Young, Circuit Court Judge

RECEIVED  
JAN 05 2018  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KEVIN L. MIDDLETON,

APPELLANT

APPELLATE CASE NO. 2017-000837

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

Counsel for appellant respectfully requests an extension of thirty (30) days, **until February 5, 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 third 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 two previous extensions.
2. Counsel filed the petition for writ of certiorari and appendix in the case of The State v. Wayne Couey with the Supreme Court on January 2, 2018. Counsel filed the petition for

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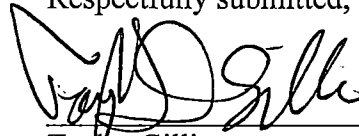
writ of certiorari and appendix in the case of The State v. Yanisha C. Barr with the Supreme Court on December 18, 2017. Counsel argued in the case of State v. James Clyde Dill, Jr., in the Supreme Court on December 13, 2017. Counsel filed the petition for writ of certiorari and appendix in the case of The State v. Jimmy Gallishaw with the Supreme Court on December 13, 2017. Counsel was a guest speaker at the Appellate Practice Project: Presenting Cases to the Appellate Courts seminar on November 30, 2017. Counsel filed the petition for writ of certiorari to this Court and appendix in the case of The State v. John William Dobbins with the Supreme Court on November 13, 2017. Counsel filed the petition for writ of certiorari and appendix in the case of The State v. London Devonta Wooden with the Supreme Court on November 13, 2017. Counsel held a reconstruction hearing in the case of Quincy McCants v. State of South Carolina in Orangeburg County on November 8, 2017. Counsel filed the petition for writ of certiorari and appendix in the case of The State v. Keith Letmon with the Supreme Court on November 8, 2017. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Robert Keith Moss with this Court on November 1, 2017.

4. Counsel makes this request in good faith and not for purpose of delay.

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 day extension, until **February 5, 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.

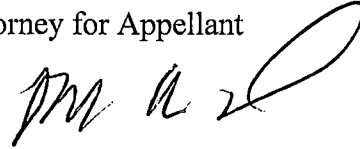
Respectfully submitted,



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Taylor Gilliam  
Appellate Defender

Attorney for Appellant




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Robert M. Dudek  
Chief Appellate Defender

This 5<sup>th</sup> day of January, 2018.

I consent:



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Benjamin Aplin, Esquire