

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Saluda County

Eugene C. Griffith, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

ANTONIO KENYARDO POSEY,

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 a **final extension of thirty (30) days, until February 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. 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 four 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.

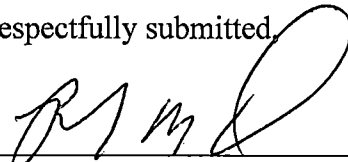
3. Counsel, along with co-counsel, David Alexander, filed the reply of petitioner to the Supreme Court of the United States in the death penalty case of The State v. Ricky Lee Blackwell on January 11, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Willie Gray with this Court on January 5, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Carlos Ruiz with this Court on December 29, 2017. Counsel filed the petition for writ of certiorari to the Court of Appeals in the case of The State v. Robert Lee Moore with the Supreme Court on December 19, 2017. 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 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.

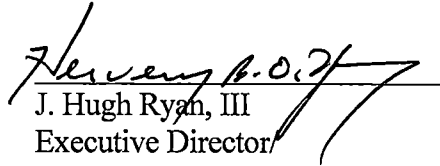
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until February 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/  
Hervery B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 16th day of January, 2018.

I consent:



Benjamin Aplin, Esquire