

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MARVIN LUTHER MYERS

APPELLANT

APPELLATE CASE NO. 2017-001044

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

Counsel for Marvin Luther Myers respectfully requests a **fourth and final** extension of thirty (30) days, **until March 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 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 Marvin Luther Myers 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.

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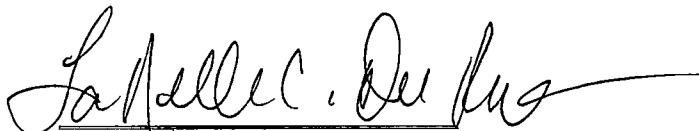
3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Lee Edward Tate v. The State with the Supreme Court on January 25, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Christopher T. Wilson v. The State with the Supreme Court on January 17, 2018. Counsel filed the petition for writ of certiorari and petition for writ of certiorari pursuant to Austin v. State along with the accompanying appendix in the case of Johnny Jones v. The State with the Supreme Court on January 11, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix and accompanying supplemental appendix in the case of Robert A. Young v. The State with the Court of Appeals on January 4, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Roger Leon Fortune v. The State with the Supreme Court on December 27, 2017. Counsel filed the petition for writ of certiorari and the petition for writ of certiorari pursuant to Austin v. State along with the accompanying appendix in the case of Jonathan Leon Simpson v. The State with the Supreme Court on December 20, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Melvin Samuel Holmes v. The State with the Supreme Court on December 14, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Dantonyo Andropulis Heath v. The State with the Supreme Court on December 12, 2017. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jerry Lee Dickey v. The State with the Supreme Court on December 6, 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.

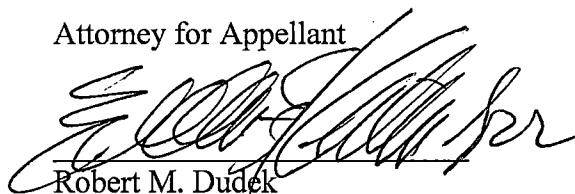
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension, until March 5, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,



LaNelle C. Durant
Appellate Defender

Attorney for Appellant



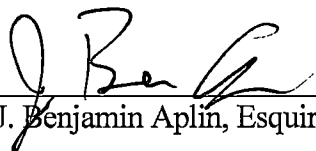
Robert M. Dudek
Chief Appellate Defender



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 1st day of February, 2018.

I consent:



J. Benjamin Aplin, Esquire