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44w AFB due 2/5/18  
J. Middleton

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County

William Jeffrey Young, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**  
FEB 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 a **fourth and final** extension of thirty (30) days **until March 7, 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 appellant respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

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previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

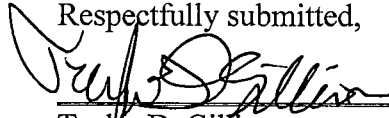
3. Counsel filed the petition for writ of certiorari and appendix in the case of Johnell Porter v. State with the Supreme Court on February 2, 2018. Counsel filed the Anders brief of Appellant and designation of matter in the case of State v. Quasean David Marshall in this Court on February 1, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Carisa Weaver-Lawrence with this Court on January 31, 2018. Counsel filed the petition for writ of certiorari and appendix in the case of Dominique Roscell Johnson v. State with the Supreme Court on January 29, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Craig Allen Carroll with this Court on January 29, 2018. Counsel filed the petition for writ of certiorari and appendix in the case of The State v. Manuel Rashon Jeter with the Supreme Court on January 26, 2018. Counsel filed the petition for writ of certiorari and appendix in the case of The State v. James Dawkins with the Supreme Court on January 16, 2018. 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 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.

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.

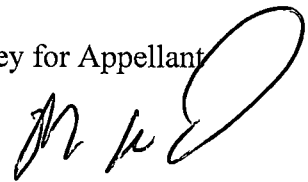
5. Counsel for the Attorney General's office consents to this request shown by signature below.

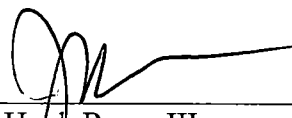
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until March 7, 2018** in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

  
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Taylor D. Gilliam  
Appellate Defender

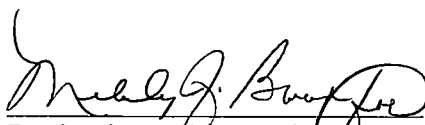
Attorney for Appellant

  
\_\_\_\_\_  
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 5th day of February, 2018.

I consent:

  
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Benjamin Aplm, Esquire