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5th AFD due 3/14/18

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Certiorari to Dorchester County

Honorable Maite Murphy, Circuit Court Judge

RECEIVED
MAR 14 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTIAN ANTHONY HIMES,

APPELLANT

APPELLATE CASE NO. 2017-000870

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

Counsel for Christian Anthony Himes respectfully requests a **final two week extension, until March 28, 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 fifth 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 four previous extensions.

2. Counsel for Christian Anthony Himes respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Counsel was out of the office on temporary bed rest on February 22 and 23, 2018, due to signs of pre-term labor. Counsel was out of the office again on February 27 and 28, 2018, due to her husband's emergency appendectomy. These absences were not anticipated, but Counsel has worked diligently such that this is only case in which she has requested an extension beyond the norm. Given the number of extensions previously granted and the

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order in which counsel attempts to manage her caseload, counsel hopes that no further extension requests will be required. **Counsel will make every effort to file the initial brief of appellant as soon as possible, in advance of March 28, 2018.**

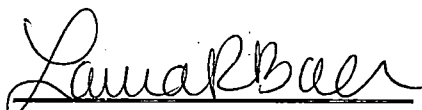
3. Counsel will file the brief of petitioner in re Calvin Miller with the Supreme Court today, March 14, 2018. Counsel had oral argument in the case of State v. Preston Mozeak before this Court on March 13, 2018. Along with co-counsel, Counsel filed an amicus brief in Conrad Slocumb v. State with the Supreme Court on March 8, 2018. Counsel filed the initial reply brief in State v. Terrence Frazier with this Court on March 8, 2018. Counsel had oral argument in the case of State v. Johnnie Lawson before this Court on March 6, 2018. Counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Richard Capell with the Supreme Court on March 5, 2018. Counsel filed the petition for rehearing in State v. Billy Phillips with this Court on March 1, 2018. Counsel filed the petition for writ of certiorari in Christopher Seabrook v. State with the Supreme Court on February 26, 2018. Counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Esaiveus Booker with the Supreme Court on February 20, 2018. Counsel filed the petition for rehearing in State v. Justin Johnson with the Court of Appeals on February 15, 2018. Counsel filed the initial brief of appellant in State v. Roy Smith with the Court of Appeals on February 15, 2018. Counsel filed the brief of respondent in State v. Stephon Robinson with this Court on February 9, 2018. Counsel filed the Anders brief of appellant in State v. Matthew Pickens with the Court of Appeals on February 8, 2018. Counsel filed the initial brief of appellant in State v. Ashley Tindall with the Court of Appeals on February 1, 2018. Counsel filed the initial brief of appellant in State v. Dinal Keith with the Court of Appeals on February 1, 2018.

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.

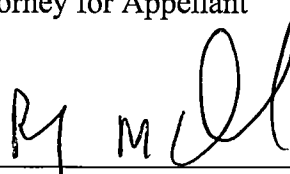
WHEREFORE, the undersigned counsel would respectfully request a **two week extension until March 28, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

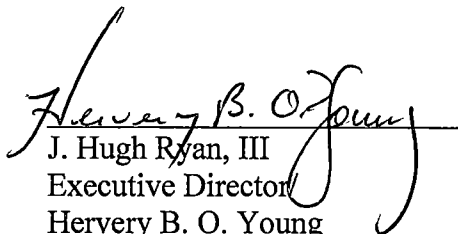


Laura R. Baer
Appellate Defender

Attorney for Appellant



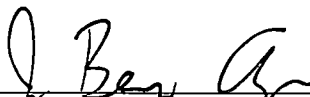
Robert M. Dudek
Chief Appellate Defender



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 14th day of March, 2018.

I consent:



Donald J. Zelenka, Esquire