

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Saluda County

Eugene C. Griffith, Circuit Court Judge

ORIGINAL

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MAR 19 2018

SC Court of Appeals

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 twenty-five (25) day extension, until April 13, 2018**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** 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.
2. Counsel for Antonio Kenyardo Posey 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 his caseload, counsel hopes that no further extension requests will be required. **Counsel is catching up on his workload after being out of the office with a confirmed and bad case of the flu (type A).**

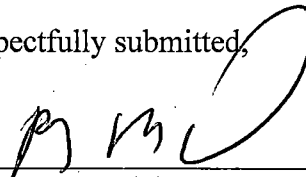
3. Counsel is preparing and filing the petition for writ of certiorari and accompanying appendix in the case of Matthew Jackson v. The State with the Supreme Court today, March 19, 2018. Counsel presented March 16, 2018, in Charleston, SC for the Charleston and Berkeley County Public Defenders and private defense conflict attorneys on Preserving the Record on Appeal. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Antwon Baker with this Court on March 14, 2018. Counsel presented March 9, 2018, for the Criminal Sexual Conduct CLE at the Columbia Metropolitan Convention Center. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Charles Davis with this Court on March 8, 2018. Counsel filed the petition for writ of certiorari in the case of Raphael Wooden v. The State with the Supreme Court on March 2, 2018. Counsel presented at the 27<sup>th</sup> Annual Criminal Law Seminar on February 23, 2018. Counsel had an oral argument in the case of The State v. Jeffrey Dana Andrews heard in this Court on February 14, 2018. Counsel filed the initial brief of appellant and designation of matter in the murder case of The State v. Horace Elijah Watts with this Court on February 12, 2018. Counsel filed the initial brief of appellant and designation of matter in the attempted murder case of The State v. Joshua Maiden with this Court on February 9, 2018. Counsel had an oral argument in the case of The State v. Richard Krochmal heard in this Court on February 6, 2018. Counsel filed the petition for rehearing in the case of The State v. Christina Reece with this Court on January 24, 2018. **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.

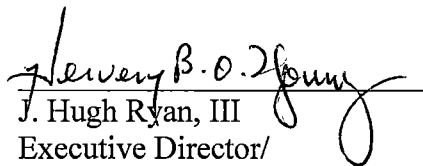
WHEREFORE, the undersigned counsel would respectfully request a **final twenty-five (25) day extension until April 13, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** Counsel apologizes for this extension request but he is catching up on his extensive workload after being out of the office with the flu. 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

Attorney for Appellant



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 19th day of March, 2018.

I consent:



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J. Benjamin Aplin, Esquire