

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM PICKENS COUNTY
Court of General Sessions**

Robert E. Hood, Circuit Court Judge

Case No. 2017-001476

The State of South Carolina.....Respondent,

v.

Brandon Lee Cox.....Appellant.

APPELLANT'S MOTION FOR EXTENSION


Appellant, pursuant to Rule 240, SCACR, moves this Court for an extension of thirty (30) days to serve and file his Initial Brief and Designation of Matter. Appellant would show the following in support of his motion:

- (1) The undersigned was appointed counsel for Appellant on February 23, 2018. The order of appointment set the deadline to serve and file the Initial Brief and Designation of Matter for 30 days from the date of the order (March 26, 2018 under Rule 263(a), SCACR).
- (2) While the undersigned has worked diligently to review the record and prepare his submissions, a time-sensitive petition for a writ of *habeas corpus* in Seay v. Cannon, 2:17-cv-02814-TMC-MGB prevented him from completing the Initial Brief and Designation of Matter. The undersigned has also not yet received copies of certain trial court motions and submissions that he believes will be a necessary part of the record. Finally, the undersigned

may need additional time to review the trial exhibits in this matter (located in Pickens) to determine if they must be transported to the Court of Appeals.

- (3) This is the undersigned's first request for an extension, though the undersigned acknowledges that prior counsel has requested three extensions prior to his appointment.
- (4) The undersigned has consulted with counsel for the Respondent, who does not oppose this motion (see exhibit A).

Dated: 3/24/18



By: Jason Scott Luck

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and

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1330 Lady St., Suite 401
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803.734.1330 (phone)

Attorneys for Appellant

From: **Ben Aplin** baplin@scag.gov
Subject: RE: State v. Cox, 2017-001476 - extension request
Date: March 23, 2018 at 2:09 PM
To: Jason Luck jluck@garrettlawsc.com
Cc: Dudek, Robert rdudek@sccid.sc.gov



Sure – I have no objection to a second extension. Good luck!

Ben

J. Benjamin Aplin
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From: Jason Luck [<mailto:jluck@garrettlawsc.com>]
Sent: Friday, March 23, 2018 12:27 PM
To: Ben Aplin
Cc: Dudek, Robert
Subject: State v. Cox, 2017-001476 - extension request

Ben,

I'm the appointed counsel in this case. Due to a time-sensitive habeas petition in *Seay v. Cannon*, 2:17-cv-02814-TMC-MGB, I need additional time to submit the initial brief & designation. Would you consent to another thirty day extension? I will not need another one.

Jason Scott Luck
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1075 E. Montague Ave.
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Exhibit A

Orr, Jacklyn

From: COA Extensions
Sent: Monday, March 26, 2018 8:17 AM
To: Orr, Jacklyn
Subject: FW: State v. Cox, 2017-001476
Attachments: Motion for Extension.pdf

From: Jason Luck [mailto:jluck@garrettlawsc.com]
Sent: Saturday, March 24, 2018 10:36 PM
To: COA Extensions <COAExtensions@sccourts.org>
Cc: baplin@scag.gov
Subject: State v. Cox, 2017-001476

Madame Clerk,

Please find enclosed a motion for extension. A hard copy will be sent to you ASAP.

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