

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

RECEIVED
MAR 28 2018
SC Court of Appeals

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

v.

Brandon Lee Cox.....Appellant.

APPELLANT'S MOTION FOR EXTENSION

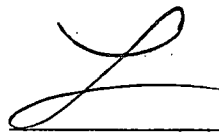
Appellant, pursuant to Rule 240, SCACR, moves this Court for an extension of thirty (30) days to serve and file his Initial Brief and Designation of Matter. Appellant would show the following in support of his motion:

- (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

Jason Scott Luck
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843.747.3198 (telefax)

and

Robert M. Dudek
rdudek@sccid.sc.gov
S.C. Commission on Indigent Defense
1330 Lady St., Suite 401
Columbia, SC 29201
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
Senior Assistant Deputy Attorney General
Criminal Appeals

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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
Garrett Law Offices, LLC
1075 E. Montague Ave.
North Charleston, SC 29405
843.554.5515 (phone)
843.747.3198 (telefax)

Exhibit A

**THE STATE OF SOUTH CAROLINA
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**APPEAL FROM PICKENS COUNTY
Court of General Sessions**

Robert E. Hood, Circuit Court Judge

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The State of South Carolina Respondent,

v.

Brandon Lee Cox Appellant.

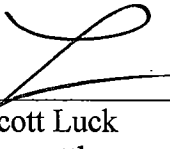
CERTIFICATE OF SERVICE

The undersigned certifies that the enclosed Motion for Extension was placed in the U.S.

Mail, first class, postage prepaid on the date below to the following address:

J. Benjamin Aplin
Sen'r Ass't Dep. Atty. General
Post Office Box 11549
Columbia, SC 29211

Dated: 3/26/18



Jason Scott Luck
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and

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26 March 2018

Via U.S. Mail and Email

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
COAExtensions@sccourts.org

RECEIVED
MAR 28 2018
SC Court of Appeals

Re: *State v. Cox*
Court of Appeals Case No.: 2017-001476
Our File No.: 201800206

Dear Ms. Kitchings:

Please find enclosed an original and six copies of Appellant's motion for extension, which was also emailed to COAExtensions@sccourts.org on March 24, 2018. Pursuant to a March 23, 2018, conversation with your staff, it is my understanding that a filing fee is not needed.

If the Court is not inclined to grant the full 30 day extension requested in the motion, I would like to note for scheduling purposes that I will be out of the country on long-standing vacation plans from April 2 to April 9.

Please do not hesitate to contact me with any questions.

With Kind Regards,



Jason Scott Luck

/JSL

Enclosures

cc: J. Benjamin Aplin, Esq. (via email & U.S. Mail)

V

Garrett Law Offices, LLC
1075 East Montague Avenue
Charleston, SC 29405

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MAR 28 2010

SC Court of Appeals



Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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