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6th AFB due 4/9/18

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Anderson County

R. Lawton McIntosh, Circuit Court Judge

ORIGINAL

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APR 09 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JUSTIN JAMAL WARNER,

APPELLANT

APPELLATE CASE NO. 2017-001313

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

Counsel for Justin Jamal Warner respectfully requests a **final thirty (30) day extension, until May 9, 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 Justin Jamal Warner respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

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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.

3. Counsel will file the initial brief of respondent and designation of matter in the case of The State v. Jason Skylar Israel Pogue with this Court tomorrow, April 10, 2018. Counsel filed the brief of respondent in the case of Edward Young v. The State with the Supreme Court on April 6, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Steven Lewis with this Court on April 4, 2018. Counsel presented at the Public Defender Investigator's Conference March 30, 2018, in Myrtle Beach, South Carolina. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Howard Woods with this Court on March 23, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Kayla Wright with this Court on March 21, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Matthew Jackson v. The State with the Supreme Court March 19, 2018. Counsel presented March 16, 2018, in Charleston, South Carolina 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 27th 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

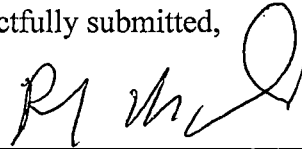
matter in the murder case of The State v. Horace Elijah Watts with this Court on February 12, 2018. Counsel filed the initial brief of appellant and designation of matter in the attempted murder case of The State v. Joshua Maiden with this Court on February 9, 2018. Counsel must also prepare for an oral argument in State v. Shannon Scott in the Supreme Court on Wednesday, April 18, 2018. Counsel is also working as a trainer in Error Preservation at the Public Defender 103 Seminar in Greenville, South Carolina from April 30 – May 2, 2018. **Counsel is still working on becoming more current on his caseload after being out of the office an entire week with a confirmed case of the flu. Counsel also is training two new inexperienced appellate defenders which entails discussing their cases with them, and trying always to read their briefs and certiorari petitions in advance of filing. Counsel also has two appellate defenders out of the office on maternity leave which creates additional administrative responsibilities to handle. Counsel also has Appellate Project oversight duties, and other administrative duties.**

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.

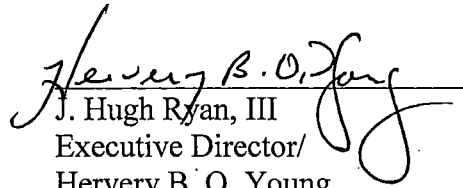
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until May 9, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** Counsel 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

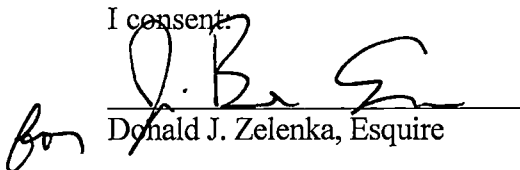
Attorney for Appellant



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 9th day of April, 2018.

I consent:



Donald J. Zelenka, Esquire