

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

7/19/18

Appeal from York County

Brian M. Gibbons, Circuit Court Judge

RECEIVED

JUN 08 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TONY MCKINLEY DILLARD,

APPELLANT

APPELLATE CASE NO. 2017-001895

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

Counsel for Tony McKinley Dillard respectfully requests an extension of thirty (30) days, **until July 9, 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. 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 Tony McKinley Dillard 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 is preparing for an oral argument in the case of The State v. Donte Brown that will be heard on June 12, 2018, with the Supreme Court. Counsel will file the initial brief of appellant and designation of matter in the case of The State v. Rohaime Hopkins with this Court today, June 8, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. James Williams with this Court on June 4, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Angel Sanchez with this Court on June 1, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jimmy Kanipe with this Court on May 31, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jerry Scantling v. The State with the Supreme Court on May 29, 2018. Counsel had an oral argument in the case of The State v. Tashon Earl Hurrell with this Court on May 22, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Traevis Mingo with this Court on May 18, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Rose v. The State with the Supreme Court on May 18, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Atraus Dorrell Styles with this Court on May 15, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Justin Jamal Warner with this Court on May 9, 2018. Counsel had an oral argument in the case of The State v. James Cross with the Supreme Court on May 3, 2018. Counsel was a trainer in error preservation at the Public Defense III, three-day seminar in Greenville, South Carolina from April 30, 2018 – May 2, 2018. Counsel presented on Preserving the Record for Appellate Review in Anderson County, South Carolina

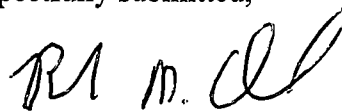
on April 26, 2018 for the Anderson County Public Defenders and Rule 608 lawyers. Counsel filed the brief of petitioner in the case of The State v. Robert Lee Moore with the Supreme Court on April 25, 2018. Counsel filed the petition for writ of certiorari in the case of Erica Anderson v. The State with the Supreme Court on April 24, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Logan Mundy with this Court on April 18, 2018. Counsel had an oral argument in the case of The State v. Shannon Scott with the Supreme Court on April 18, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Antonio Kenyardo Posey with this Court on April 13, 2018. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Jason Pogue with this Court on April 10, 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.

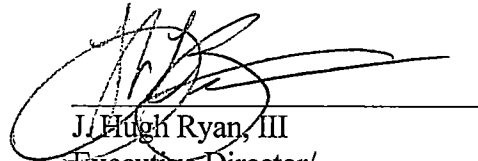
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension until July 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 requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



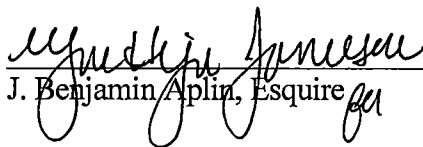
Robert M. Dudek
Chief Appellate Defender



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 8th day of June, 2018.

I consent:



J. Benjamin Aplin, Esquire