

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County
Honorable Alexander S. Macaulay, Circuit Court Judge

RECEIVED

JUL 11 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

COLE BROOKS GRAY,

APPELLANT

APPELLATE CASE NO. 2017-002265

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

Counsel for Cole Brooks Gray respectfully requests a **fourth and final thirty (30) day extension, until August 10, 2018**, in which to file the initial brief of appellant and designation of matter in the above-referenced 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 in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Cole Brooks Gray 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 her caseload, counsel hopes that no further extension requests will be required.

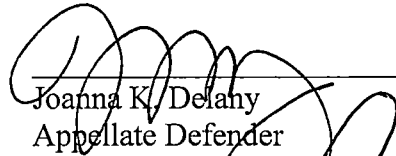
3. Counsel filed the petition for writ of certiorari with the accompanying appendix in the case of Eric Wright v. The State with the Supreme Court on July 2, 2018. Counsel filed the petition for writ of certiorari with the accompanying appendix in the case of Chavis Aikman v. The State with the Supreme Court on June 27, 2018. Counsel filed the petition for writ of certiorari with the accompanying appendix in the case of Leonard Jenkins v. The State with the Supreme Court on June 18, 2018. Counsel filed the petition for writ of certiorari with the accompanying appendix in the case of Dominique Cash v. The State with the Supreme Court on June 13, 2018. Counsel filed the petition for writ of certiorari with the accompanying appendix in the case of Laurie Hollis v. The State with the Supreme Court on June 6, 2018. Counsel filed the petition for writ of certiorari with the accompanying appendix in the case of Kelvin Jackson v. The State with the Supreme Court on June 4, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tappia Green with this Court on May 30, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jon Smart with this Court on May 4, 2018.

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.

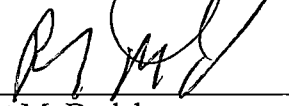
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until August 10, 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 the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Joanna K. Delahy
Appellate Defender

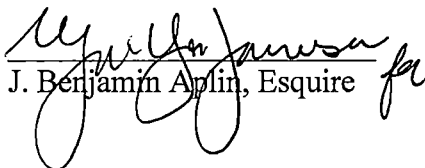


Robert M. Dudek
Chief Appellate Defender

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 11th day of July, 2018.

I do not oppose:



J. Benjamin Applin, Esquire *fa*



ORIGINAL

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Lori Frost, Assistant Director

July 11, 2018

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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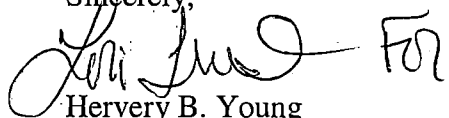
Re: The State v. Cole Brooks Gray – Appellate Case No. 2017-002265

Dear Ms. Kitchings:

In absence of Hervey B. O. Young, General Counsel and Deputy Director for the South Carolina Commission on Indigent Defense, J. Hugh Ryan, III, Executive Director of the South Carolina Commission on Indigent Defense, and W. Lawrence Brown, Deputy General Counsel of the South Carolina Commission on Indigent Defense today, and pursuant to instructions from Mr. Young, I ask that you accept this cover letter as an attempt to comply with the Court's order dated March 18, 2009, in regard the consents required for a motion for an extension.

In the attached motion for an extension of time, Appellate Defender, Joanna K. Delany, seeks a thirty day extension of time to file the initial brief of appellant and designation of matter based on her heavy caseload as stated in the motion. That extension also has the approval of Chief Appellate Defender Robert M. Dudek as evidenced by his signature on the extension petition.

Thank you for allowing me to bring this to your attention. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Hervey B. Young
General Counsel and Deputy Director

HBOY/mpm

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