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5th AFB due 7/13/18

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Fairfield County
Daniel D. Hall, Circuit Court Judge

RECEIVED

JUL 13 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LARRY CORNISH,

APPELLANT

APPELLATE CASE NO. 2017-001866

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

Counsel for Larry Cornish respectfully requests an extension of thirty (30) days, **until August 13, 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 Larry Cornish 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 his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Tony McKinley Dillard with this Court on July 12, 2018. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of The State v. Dalonte Green with the Supreme Court on July 10, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. George Anthony Clark with this Court on July 6, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Gregory Dash with this Court on June 29, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Lewis Garvin v. The State with the Supreme Court on June 22, 2018. Counsel had an oral argument in the case of The State v. Donte Brown with the Supreme Court on June 12, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Rohaime Hopkins with this Court on 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 Hurell 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 has extensive administrative duties as the**

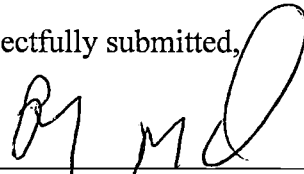
Chief Appellate Defender, including administrative and Appellate Project oversight, and training two less experienced appellate defenders

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 August 13, 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,

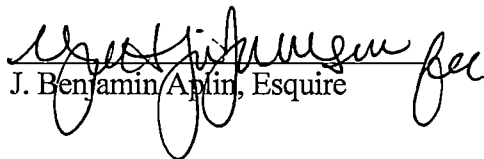


Robert M. Dudek
Chief Appellate Defender

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 13th day of July, 2018.

I consent:



J. Benjamin Applin, Esquire



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

1330 Lady Street, Suite 401
Post Office Box 11433
Columbia, South Carolina 29211-1433
Telephone: (803) 734-1343
Facsimile: (803) 734-1345
E-Mail: executive@sccid.sc.gov

Hugh Ryan, Esq., Executive Director
Hervey B.O. Young, Deputy Director and General Counsel
Lori Frost, Assistant Director

July 13, 2018

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

RECEIVED
JUL 13 2018
SC Court of Appeals

Re: The State v. Larry Cornish – Appellate Case No. 2017-001866

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, Chief Appellate Defender, Robert M. Dudek, seeks a thirty day extension of time to file the initial brief of appellant and designation of matter based on his heavy caseload as stated in the motion.

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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