

4th AIB due 8/1/18

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Pickens County  
Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LUTHER BRIAN MARCUS (2),

APPELLANT

APPELLATE CASE NO. 2017-002623

RECEIVED

AUG 01 2018

SC Court of Appeals

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

Counsel for Luther Brian Marcus, respectfully requests a **fourth and final** thirty (30) **until August 31, 2018**, days 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. This is a fourth request for an extension. 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 Luther Brian Marcus, 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 Petition for Writ of Certiorari and accompanying appendix in the case of James Whaley v. The State with the Supreme Court on July 30, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Phillip Andrew Bridges v. The State with the Supreme Court on July 30, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Alonza Dennis v. The State with the Supreme Court on July 23, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Brandon Jenkins v. The State with the Supreme Court on July 23, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Donald Scott Robertson with this Court on July 20, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Dikeem Dargan v. State with the Supreme Court on July 13, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Derrick Eugene Velasquez v. The State with the Supreme Court on June 28, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Davontay Darrell Henson v. The State with the Supreme Court on June 13, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of George A. Cousins v. The State with the Supreme Court on June 11, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Brian Delonte Spann v. The State with the Supreme Court on May 29, 2018.

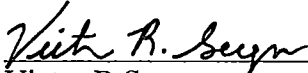
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

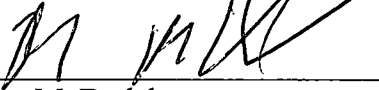
will hopefully become more manageable in the near future, and less extensions will need to be requested.

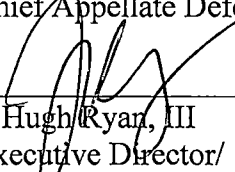
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until August 31, 2018**, in which to file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,

  
\_\_\_\_\_  
Victor R Seeger  
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 1st day of August, 2018.

I do not oppose:

  
\_\_\_\_\_  
J. Benjamin Aplin, Esquire