

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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RECEIVED

Appeal from Newberry County  
Honorable Eugene C. Griffith, Circuit Court Judge

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SEP 17 2018  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

FRANKLIN DELL HAYES,

APPELLANT

APPELLATE CASE NO. 2017-002572

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

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Counsel for Franklin Dell Hayes respectfully requests a **fourth and final thirty (30) day extension, until October 17, 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 Franklin Dell Hayes 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.

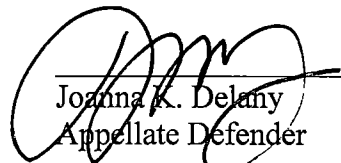
3. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Wilton Q. Greene v. The State with the Supreme Court on August 29, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. John Christopher Hart with this Court on August 22, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Randy Wright with the Court of Appeals on August 22, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Anthony B. Lay v. The State with the Supreme Court on August 15, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Cole Brooks Gray with this Court on August 10, 2018. Counsel filed the petition for writ of certiorari with the accompanying appendix in the case of Marty Baggett v. The State with the Supreme Court on August 6, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jeffrey Michaelson v. The State with the Supreme Court on July 30, 2018. Counsel filed the petition for writ of certiorari with the accompanying appendix in the case of Steven Randall Cobb 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. Devante Antonio Grant with this Court on July 20, 2018. Counsel filed the petition for writ of certiorari with the accompanying appendix in the case of Antonio Romeo v. The State with the Supreme Court on July 18, 2018. 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.

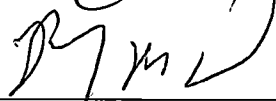
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

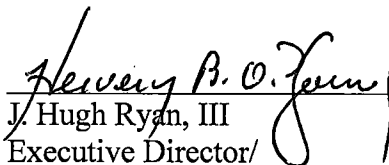
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until October 17, 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,

  
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Joanna K. Delany  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

  
\_\_\_\_\_  
J. Hugh Ryan, III  
Executive Director/  
Hervery B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 17th day of September, 2018.

I do not oppose:

  
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J. Benjamin Aplin, Esquire