

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Barnwell County
Doyet A. Early, III, Circuit Court Judge

RECEIVED
SEP 24 2018
SC Court of Appeals
RESPONDENT,

THE STATE,

v.

DEMONTAY MARKEITH PAYNE,

APPELLANT

APPELLATE CASE NO. 2017-002014

**PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a thirty-day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by two prior orders of this Court.
2. Counsel filed the initial brief of appellant in the case of State v. Ricky Esaw in the Court of Appeals on September 17, 2018. Counsel filed the initial brief of appellant in the case of Joshua K. Cramer v. State in the Court of Appeals on September 4, 2018. Counsel filed the

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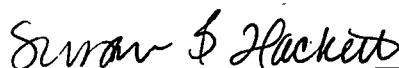
Johnson petition for writ of certiorari and accompanying appendix in the case of William Lamont Seabrook v. State in the Supreme Court on August 29, 2018. Counsel filed the return to the state's petition for rehearing in the case of Benjamin Cervantes Hernandez v. State in the Court of Appeals on August 8, 2018. Counsel filed the petition for rehearing in the case of Benjamin Cervantes Hernandez v. State in the Court of Appeals on August 6, 2018. Counsel filed the initial reply brief of appellant in the case of Thomas Robert Shewtzuk v. State in the Court of Appeals on August 2, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Elijah Hudson v. State in the Supreme Court on August 1, 2018. Counsel filed the Anders brief of appellant and Record on Appeal in the case of State v. Norman Lance Garner in the Court of Appeals on July 30, 2018.

3. This request is made in good faith, and not for purposes of delay.

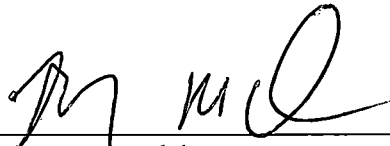
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the initial brief of appellant and designation of matter in this case. 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,



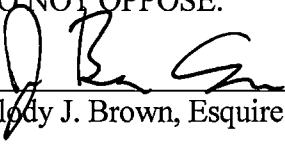
Susan B. Hackett
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

September 24, 2018

I DO NOT OPPOSE:



Melody J. Brown, Esquire

for