

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Steven H. John, Circuit Court Judge

THE STATE,

ORIGINAL
RECEIVED
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SC Court of Appeals

RESPONDENT,

V.

TONY NEVAIL MYERS,

APPELLANT

APPELLATE CASE NO. 2018-000474

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

The undersigned counsel respectfully requests 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 extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. This case was reassigned to counsel on Friday, September 28, 2018 after Robert M. Pachak retired from the Division of Appellate Defense.
3. Counsel is preparing for the oral argument in The State v. Felix Kotowski scheduled for October 9, 2018 before this Court. From September 24, 2018 through September 26, 2018, counsel attended the annual Public Defender Conference in Myrtle Beach. On September 21,

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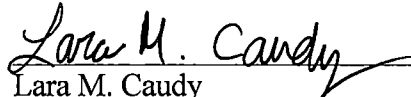
2018, counsel filed the initial brief of appellant and designation of matter in The State v. Theodore Glover with this Court. On September 17, 2018, counsel filed the petition for writ of certiorari and accompanying appendix in Jerell Jackson v. The State with the Supreme Court. On August 30, 2018, counsel filed the petition for writ of certiorari and accompanying appendix in Roderick Germaine Wynn v. The State with the Supreme Court. On August 24, 2018, counsel filed the petition for writ of certiorari and accompanying appendix in Nehemiah J. Evans v. The State with the Supreme Court. On August 20, 2018, counsel filed the initial brief of appellant and designation of matter in The State v. Andrew Allston Kirkland with this Court. On August 9, 2018, counsel filed the petition for writ of certiorari and accompanying appendix in James R. Glisson, Jr. v. The State with the Supreme Court. On August 1, 2018, counsel filed the petition for writ of certiorari and accompanying appendix in Benjamin J. Jackson v. The State with the Supreme Court. On July 26, 2018, counsel filed the initial brief of appellant and designation of matter in The State v. Russel Levon Johnson with this Court. On July 18, 2018, counsel filed the petition for writ of certiorari and accompanying appendix in Fitzgerald McDuffie v. The State with the Supreme Court. On July 12, 2018, counsel filed the initial brief of appellant and designation of matter in The State v. Melvin Fourney, Sr. with this Court.

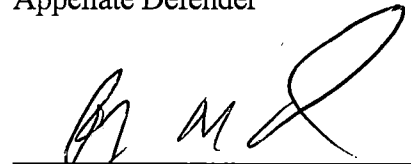
4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that her caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. As indicated by the 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. Counsel respectfully 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.

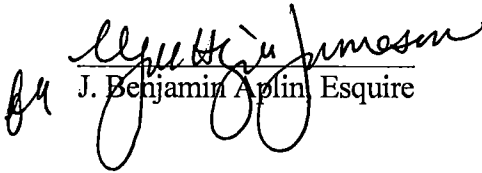
Respectfully submitted,


Lara M. Caudy
Appellate Defender


Robert M. Dudek
Chief Appellate Defender

October 1, 2018

I do not oppose:


J. Benjamin Applin, Esquire