

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Spartanburg County
Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KEVIN MCDANIELS,

APPELLANT

APPELLATE CASE NO. 2018-000070

RECEIVED
OCT 08 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 Kevin McDaniels, respectfully requests a **fourth and final** thirty (30) **until November 7, 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

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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. On September 24 – 26, 2018, counsel attended the Public Defender Convention in Myrtle Beach, South Carolina. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Dwayne Lee Rudd v. The State with the Supreme Court on September 21, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Michael Browning v. The State with the Supreme Court on September 21, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Shonathan M. Jeter v. The State with the Supreme Court on September 5, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Luther Brian Marcus with this Court on August 31, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Luther Brian Marcus (2) with this Court on August 31, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Pepper Rose Rathburn with this Court on August 29, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Perry Drake Gilmore, Jr., with this Court on August 20, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Darryl L. Drayton v. The State with the Supreme Court on August 17, 2018. Counsel filed the Petition for Writ of Certiorari and accompanying appendix in the case of Darius Barnwell v. The State with the Supreme Court on August 15, 2018. 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.

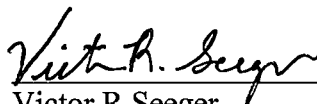
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload

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 November 7, 2018**, in which to file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

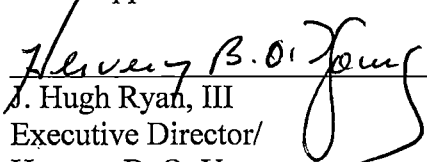
Respectfully submitted,



Victor R Seeger
Appellate Defender.



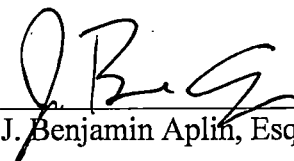
Robert M. Dudek
Chief Appellate Defender



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

This 8th day of October, 2018.

I do not oppose:



J. Benjamin Aplin, Esquire