

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Charleston County

Honorable R. Markley Dennis, Circuit Court Judge

RECEIVED
OCT 22 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DERRICK LAMAR PORTER,

APPELLANT

APPELLATE CASE NO. 2018-000770

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

Counsel for Derrick Lamar Porter respectfully requests a **fourth and final** extension of thirty (30) days **until November 21, 2018**, days in which to file the Initial Brief of Appellant and Designation of Matter in this 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 are due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Derrick Lamar Porter 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. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Bruce Stanley Jones with this Court on October 19, 2018. Counsel had an oral argument in the case of The State v. Jimmy Turner before the Supreme Court on October 17, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Kenneth Collins with this Court on October 9, 2018. Counsel had an oral argument in the case of The State v. Robin Herndon before this Court on October 9, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Leon Barksdale with this Court on October 8, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Travis Napoleon Davis v. The State with the Supreme Court on October 8, 2018. Counsel attended the state Public Defender Convention in Myrtle Beach, South Carolina on September 24, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Keiron Coleman v. The State with the Supreme Court on September 21, 2018. Counsel had an oral argument in the case of The State v. Corey J. Williams before the Supreme Court on September 19, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jose Cabarruvias v. The State with the Supreme Court on September 17, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Conrad Antonio Allen v. The State with the Supreme Court on August 31, 2018. Counsel filed the petition for rehearing in the case of The State v. Michael Juan Smith with this Court on August 30, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of In the Matter of the Care and Treatment of Joshua Flowers with this Court on August 28, 2018. Counsel filed the initial brief of

appellant and designation of matter in the case of In the Matter of the Care and Treatment of Robbie Collins with this Court on August 22, 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.

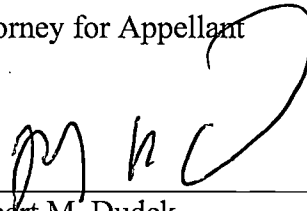
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until **November 21, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,

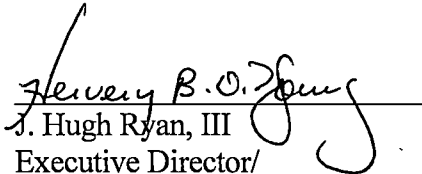


David Alexander
Appellate Defender

Attorney for Appellant



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 22nd day of October, 2018.

I consent:



J. Benjamin Aplin, Esquire