

3rd AFB due 10/22/18

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Circuit Court Judge

ORIGINAL
RECEIVED
OCT 22 2018
SC Court of Appeals
RESPONDENT

THE STATE,

v.

CARLON EUGENE WEATHERS, JR.,

APPELLANT

APPELLATE CASE NO. 2018-000470

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

Counsel for Carlon Eugene Weathers respectfully requests an extension of a **final thirty (30) days, until November 21, 2018**, 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. 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 are due to be filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Carlon Eugene Weathers, Jr., 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 her caseload, counsel hopes that no further extension requests will be required.

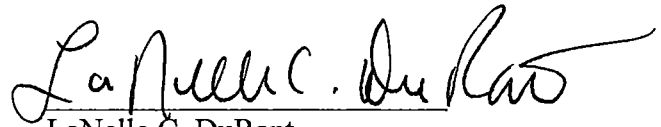
3. Counsel had an oral argument in the case of The State v. Daniel Martinez Herrera before the Supreme Court on October 17, 2018. Counsel filed the Anders brief of appellant and designation of matter in the case of State v. Muttaqin Fatir Abdullah with the Court of Appeals on October 5, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Forrest Nelson, Jr. v. The State with the Supreme Court on September 28, 2018. Counsel filed the Anders brief of appellant pursuant to White v. State in the case of Cary Glenn Ryals v. State with the Supreme Court on September 24, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix and supplemental appendix in the case of Cary Glenn Ryals v. State with the Supreme Court on September 24, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Ronald Edward Gooden 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 Michael Duran Watson v. The State with the Supreme Court on August 31, 2018. Counsel filed the petition for writ of certiorari and Johnson petition for writ of certiorari pursuant to Austin v. State along with the accompanying appendix in the case of Deshaun A. Drafts v. The State with the Supreme Court on August 24, 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.

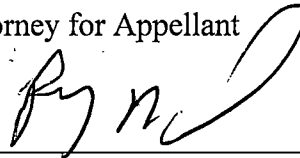
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) days, until November 21, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

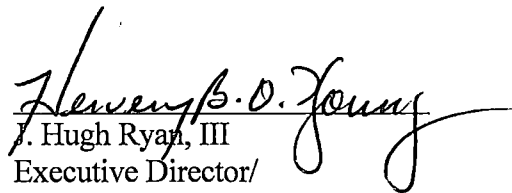


LaNelle C. DuRant
Appellate Defender

Attorney for Appellant



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 22nd day of October, 2018.

I consent:



J. Benjamin Aplin, Esquire