

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Barnwell County

Doyet A. Early, III, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

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 **final thirty-day extension until November 26, 2018** 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 three prior orders of this Court.
2. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marquis Robinson v. State in the Supreme Court on October 22, 2018. Counsel filed the

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initial brief of appellant and designation of matter in the case of State v. John William McCarty in this Court on October 17, 2018. Counsel filed the return to petition for writ of certiorari in the case of State v. Steven Otts in the Supreme Court on October 12, 2018. Counsel filed a petition for rehearing in the case of State v. Benjamin Cervantes Hernandez in this Court on October 8, 2018. Counsel attended a PCR hearing at the Charleston County Courthouse in the case of Alan L. Burns v. State of South Carolina on October 5, 2018. Counsel filed the brief of petitioner in the case of William McCladdie v. State in this Court on October 4, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Richard Todd Culberson v. State in the Supreme Court on October 1, 2018. Counsel attended the 2018 Annual Public Defender Conference from September 23 through September 26, 2018 in Myrtle Beach, S.C. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marvin Xavier Porcher v. State in the Supreme Court on September 21, 2018. Counsel filed the initial brief of appellant in the case of State v. Ricky Esaw in this Court on September 17, 2018. Counsel filed the initial brief of appellant in the case of Joshua K. Cramer v. State in this Court on September 4, 2018. Counsel filed the 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.

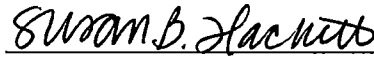
3. This request is made in good faith, and not for purposes of delay.

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

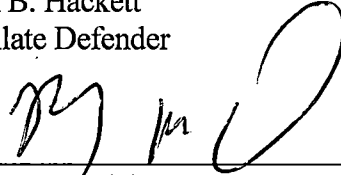
WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension until November 26, 2018** in which to file the initial brief of appellant and designation of

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.

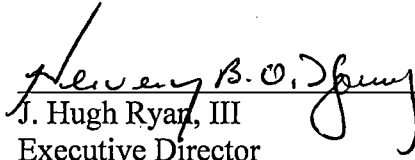
Respectfully submitted,



Susan B. Hackett  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender



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

October 24, 2018

I DO NOT OPPOSE.

  
Melody J. Brown, Esquire