

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Larry B. Hyman, Circuit Court Judge

ORIGINAL

THE STATE,

v.

JAVON DION GIBBS,

APPELLANT

RECEIVED
OCT 24 2018
SC Court of Appeals

RESPONDENT

Appellate Case No. 2017-001846

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

Counsel for Javon Dion Gibbs respectfully requests a **final extension of nine (9) days, until, November 2, 2018**, in which to file the Initial Brief of Respondent 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 respondent and designation of matter are due to be filed with the Court today. The Court has granted counsel four previous extensions.
2. Counsel for Javon Dion Gibbs respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the 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 is preparing the initial brief of appellant and designation of matter in the case of The State v. Theron Marquis Murray that he will file tomorrow, October 25, 2018, or Friday, October 26, 2018, with this Court. Counsel is preparing for the criminal law webcast CLE on October 31, 2018. Counsel had an oral argument in the case of The State v. Jalann Williams before the Supreme Court on October 18, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jamil Ali with this Court on October 17, 2018. Counsel had an oral argument in the case of The State v. Joseph Bowers before this Court on October 10, 2018. Counsel had an oral argument in the case of The State v. Teresa Ann McCracken-Hall before this Court on October 10, 2018. Counsel had an oral argument in the case of The State v. Ahshaad Owens 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. Hakeem Edwin with this Court on October 8, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Quashon Middleton v. The State with the Supreme Court on October 4, 2018. Counsel attended and presented on case law update at the Public Defender Convention in Myrtle Beach, South Carolina from September 24-26, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Christopher Michael Jackson with this Court on September 19, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Derrick Stone with this Court on September 6, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of John Ziegler v. The State with the Supreme Court on August 30, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. John Perry with this Court on August 29, 2018. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative**

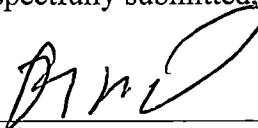
and Appellate Project oversight, training two less experienced appellate defenders, and reading their briefs and certiorari petitions in advance of filing.

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 future, and less extensions will need to be requested.

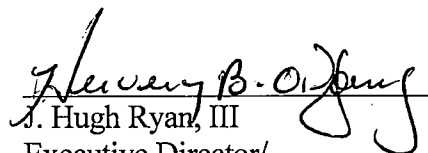
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final nine (9) day extension until November 2, 2018**, in which to file the initial brief of respondent 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,



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 24th day of October, 2018.

I consent:

A handwritten signature in black ink, appearing to read 'J. Clayton Mitchell', written over a horizontal line.

J. Clayton Mitchell, Esquire