

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Larry B. Hyman, Circuit Court Judge

ORIGINAL

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SC Court of Appeals

THE STATE,

APPELLANT,

V.

JAVON DION GIBBS,

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 three (3) days, until, November 29, 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.
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 a PowerPoint and presentation for the **Appellate Practice seminar on Friday, November 30, 2018. Counsel is also filing a petition for writ of certiorari today in Bernard Dewberry v. State with the Supreme Court.** Counsel filed the return to the state's petition for writ of certiorari and accompanying appendix in the case of The State v. Jeffrey Dana Andrews with the Supreme Court on November 19, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Kyrief Kelly with this Court on November 16, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Larry Coles v. The State with the Supreme Court on November 15, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Brandon Greene v. The State with the Supreme Court on November 14, 2018. Counsel had an oral argument in the case of The State v. Jacob Hendricks before this Court on November 7, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Latrone Butler v. The State with the Supreme Court on November 2, 2018. Counsel presented at a criminal law Comcast CLE on October 31, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Theron Marquis Murray with this Court on October 25, 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

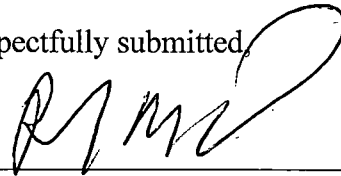
October 9, 2018. **Counsel has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, training two less experienced appellate defenders, and reading their briefs and certiorari petitions in advance of filing.**

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.

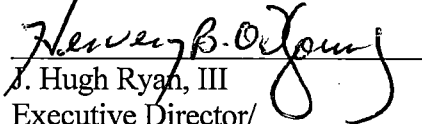
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final two (3) day extension until November 29, 2018**, in which to file the initial brief of respondent and designation of matter in this case based upon the above exigent circumstances. **Counsel will file this initial brief of respondent earlier if possible.** 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/
Hervery B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 26th day of November, 2018.

I consent:

A handwritten signature in black ink, appearing to read "J. Clayton Mitchell", is written over a horizontal line. To the left of the signature, the letters "pm" are written in a cursive hand.

pm J. Clayton Mitchell, Esquire