

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

J. C. Buddy Nicholson, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

v.

STEWART JEROME MIDDLETON,

APPELLANT

RECEIVED

JAN 02 2019

SC Court of Appeals

Appellate Case No. 2017-002478

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

Counsel for Stewart Jerome Middleton respectfully requests a **final extension of four (4) business days, until Tuesday January 8, 2019**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** 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. **This case involves two extremely meritorious issues, and one novel issue.**

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Counsel also has had problems with the new video equipment, and this case involves numerous exhibits that had to be viewed.

2. Counsel for Stewart Jerome Middleton 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, no further extension requests will be required.

3. Counsel is preparing and must file the petition for writ of certiorari and accompanying appendix in the case of Jonathan A. Finney v. The State with the Supreme Court on Friday, January 4, 2019. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Daniel Jenkins v. The State with the Supreme Court on December 17, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Timiyà Massey with this Court on December 12, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Jammie Wilson with this Court on December 7, 2018. Counsel had an oral argument in the case of The State v. Edward Primo Bonilla before this Court on December 5, 2018. Counsel filed the initial brief of respondent and designation of matter in the case of The State v. Javon Gibbs with this Court on November 29, 2018. Counsel prepared a PowerPoint and presented at the Appellate Practice seminar on Friday, November 30, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Bernard Dewberry v. The State with the Supreme Court on November 26, 2018. Counsel filed the return to the State's petition for writ of certiorari 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

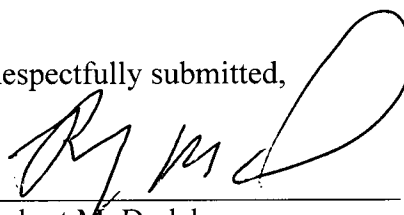
State with the Supreme Court on November 15, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Brandon Greene v. The State with the Supreme Court on November 14, 2018. Counsel had an oral argument in the case of The State v. Jacob Hendricks before this Court 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 has extensive administrative duties as the Chief Appellate Defender, including administrative and Appellate Project oversight, and training, and reading in advance, the filings of three less experienced appellate defenders.**

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 four (4) business day extension until January 7, 2019**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible, and regrets the absolute necessity of this short final extraordinary extension request in this extremely meritorious appeal.** 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/
Henry B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training
Director

This 2nd day of January, 2019.

I consent:

for 
J. Clayton Mitchell, Esquire